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Transcript of John Dillon

Date: November 13, 2018

Case: Montanez & Serrano -v- Guevara, et al.

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 -----x
5 JOSE MONTANEZ, :
6 Plaintiff, :
7 v. : Case No. 17 CV 4560
8 REYNALDO GUEVARA, et al., :
9 Defendants. :
10 ----- :
11 ARMANDO SERRANO, :
12 Plaintiff, :
13 v. : Case No. 17 CV 2869
14 REYNALDO GUEVARA, et al., :
15 Defendants. :

16 -----x
17 Videotaped Deposition of JOHN DILLON
18 Chicago, Illinois
19 Tuesday, November 13, 2018
20 10:13 a.m.

21
22 Job No.: 216030

23 Pages: 1 - 304

24 Reported by: Paula M. Quetsch, CSR, RPR

1 Videotaped deposition of JOHN DILLON, held at
2 the location of:

3
4 LOEVY & LOEVY
5 311 North Aberdeen Street
6 3rd Floor
7 Chicago, Illinois 60607
8 (312) 243-5900
9
10
11

12 Pursuant to notice before Paula M. Quetsch, a
13 Certified Shorthand Reporter, Registered Professional
14 Reporter, and a Notary Public in and for the State
15 of Illinois.
16
17
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21
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24

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JOSE MONTANEZ

ARMANDO SERRANO

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1	P R O C E E D I N G S	09:48:29
2	THE VIDEOGRAPHER: Here begins Disk 1 in the	10:12:22
3	videotaped deposition of John Dillon in the matter	10:12:30
4	of Montanez v. Guevara, et al., Case No. 17 C 4560,	10:12:33
5	and Serrano v. Guevara, et al., Case No. 17 C 2869,	10:12:42
6	in the United States District Court, Northern	10:12:50
7	District of Illinois, Eastern Division. Today's	10:12:54
8	date is November 13th, 2018, and the time on the	10:12:58
9	video monitor is 10:13 a.m. The videographer	10:13:02
10	today is Ryan Grzelak representing Planet Depos.	10:13:06
11	This video deposition is taking place at 311 North	10:13:11
12	Aberdeen Street, 3rd Floor, Chicago, Illinois 60607.	10:13:17
13	Would counsel please voice identify	10:13:22
14	themselves and state whom they represent.	10:13:25
15	MS. BONJEAN: Good afternoon -- or good	10:13:28
16	morning. Jennifer Bonjean, B-o-n-j-e-a-n. I	10:13:29
17	represent the plaintiff, Armando Serrano.	10:13:32
18	MS. COHEN: Good morning. Ashley Cohen,	10:13:34
19	C-o-h-e-n. I also represent the plaintiff,	10:13:36
20	Armando Serrano.	10:13:36
21	MS. BRADY: Good morning. Rachel Brady,	10:13:42
22	B-r-a-d-y. I represent the plaintiff José Montanez.	10:13:44
23	MR. HIRST: We'll start back here. Good	10:13:44
24	morning. Morgan Hirst representing Matthew Coghlan.	10:13:47

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1	MR. ENGQUIST: Josh Engquist,	10:13:51
2	E-n-g-q-u-i-s-t, on behalf of Defendants Mingey	10:13:53
3	and Halvorsen.	10:13:53
4	MS. CARNEY: Theresa Carney on behalf of	10:13:56
5	the City of Chicago.	10:13:56
6	MS. ROSEN: Eileen Rosen on behalf of the	10:14:01
7	City of Chicago.	10:14:01
8	MS. NIKOLAEVSKAYA: Julie Nikolaevskaya on	10:14:02
9	behalf of John Dillon.	10:14:02
10	MS. CHOJNACKI: Assistant State's Attorney	10:14:04
11	Christina Chojnacki on behalf of Cook County and	10:14:06
12	John Dillon.	10:14:08
13	MR. HORVAT: And Andrew Horvat, H-o-r-v,	10:14:08
14	as in "Victor," -a-t, on behalf of John Dillon.	10:14:11
15	THE VIDEOGRAPHER: The court reporter	10:14:14
16	today is Paula Quetsch, representing Planet Depos.	10:14:14
17	Will the reporter please swear in the	10:14:14
18	witness.	10:14:26
19	(Witness sworn.)	10:14:26
20	JOHN DILLON,	10:14:26
21	having been duly sworn, testified as follows:	10:14:26
22	EXAMINATION BY COUNSEL FOR PLAINTIFF ARMANDO SERRANO	10:14:28
23	BY MS. BONJEAN:	10:14:28
24	Q Good morning, Mr. Dillon.	10:14:28

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1	A	Good morning.	10:14:31
2	Q	My name is Jennifer Bonjean. I represent	10:14:31
3		the Plaintiff Armando Serrano in this lawsuit in	10:14:33
4		which you are a named defendant.	10:14:39
5		Before we get started today, I would like	10:14:40
6		to ask whether you've ever had your deposition	10:14:41
7		taken before.	10:14:43
8	A	I have.	10:14:43
9	Q	How many times?	10:14:43
10	A	Once.	10:14:44
11	Q	How long ago was that?	10:14:45
12	A	About five months ago.	10:14:47
13	Q	And in what matter was your deposition taken?	10:14:49
14	A	It was in connection with a felony review	10:14:54
15		matter that I handled back in 1988.	10:14:57
16	Q	Was that a lawsuit?	10:14:59
17	A	I think it was under the -- I'm trying to	10:15:03
18		think of what they referred to it as, the group	10:15:09
19		that -- the Burge torture commission, it was	10:15:12
20		something in connection with that.	10:15:16
21	Q	So the TIRC or the torture commission?	10:15:17
22	A	Yes.	10:15:19
23	Q	And do you know whether your deposition	10:15:20
24		was taken in connection with an ongoing criminal	10:15:21

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1	matter, or is it something other than a criminal	10:15:26
2	matter?	10:15:29
3	A My understanding was it was a possible	10:15:29
4	relitigation of a motion to suppress statements	10:15:31
5	that had been taken back in 1988.	10:15:34
6	Q And what is the name of the convicted or	10:15:37
7	the individual who is alleging that he was tortured?	10:15:42
8	A I don't recall.	10:15:45
9	Q You don't know the name of the person --	10:15:47
10	let me back up a second.	10:15:55
11	You were involved in felony review at	10:15:58
12	the time?	10:16:00
13	A Yes.	10:16:00
14	Q Did you take the statement?	10:16:00
15	A I did.	10:16:01
16	Q And you don't know the name of the person	10:16:02
17	whose statement you took?	10:16:04
18	A No, I don't. I don't recall it.	10:16:05
19	Q Okay. As you sit here today, you took a	10:16:08
20	deposition in a case five months ago, and you	10:16:10
21	don't remember the name of the person's whose	10:16:13
22	statement you took?	10:16:15
23	A That's correct.	10:16:16
24	Q Okay. How long was that deposition?	10:16:16

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1	A	Maybe a couple hours.	10:16:18
2	Q	Did they reference his name during those a	10:16:20
3		couple hours?	10:16:24
4	A	I'm sure they did.	10:16:24
5	Q	And as you sit here today, you cannot	10:16:25
6		recall that name?	10:16:27
7		MS. ROSEN: Objection; asked and answered.	10:16:29
8	A	I don't recall the name.	10:16:31
9	Q	Okay. And who represented you in that	10:16:32
10		litigation?	10:16:34
11	A	John Carroll.	10:16:35
12	Q	Do you know the name of the person who was	10:16:36
13		there on behalf of the accused or the convicted?	10:16:39
14	A	No, I don't recall the name.	10:16:42
15	Q	Okay. Where did that deposition take place?	10:16:45
16	A	At the offices of the law firm representing	10:16:47
17		the accused.	10:16:52
18	Q	Okay. Do you remember where that was?	10:16:53
19	A	Just downtown Chicago. I don't recall the	10:16:55
20		address, no.	10:16:59
21	Q	Do you know what street it was on?	10:17:00
22	A	No.	10:17:01
23	Q	Well, seeing as though you just had your	10:17:03
24		deposition taken five months ago, you probably are	10:17:03

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1	familiar with how this goes, but I'm going to go	10:17:03
2	over some ground rules just so that we're on the	10:17:11
3	same page. Is that okay?	10:17:13
4	A Yes.	10:17:14
5	Q You understand, sir, that you're under	10:17:14
6	oath here today?	10:17:16
7	A Yes.	10:17:17
8	Q Okay. And you understand that's the same	10:17:17
9	oath that you take in a court of law?	10:17:20
10	A Yes.	10:17:21
11	Q And did you take a oath when you were	10:17:22
12	deposed in the felony review matter?	10:17:25
13	A Yes.	10:17:27
14	Q And you've testified under oath before;	10:17:27
15	right?	10:17:29
16	A Yes.	10:17:30
17	Q Probably many times. Correct?	10:17:30
18	A Yes.	10:17:31
19	Q And you understand by taking the oath that	10:17:31
20	you're swearing your testimony is truthful to the	10:17:34
21	best of your ability; correct?	10:17:37
22	A Correct.	10:17:38
23	Q You understand that if you make any	10:17:39
24	willfully false statements here today that you	10:17:41

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1	could be subjected to penalties of perjury?	10:17:43
2	MR. HORVAT: I'm going to object that	10:17:45
3	that mischaracterizes the law. If you understand,	10:17:47
4	the question, you can answer.	10:17:49
5	A Yes, I understand that.	10:17:50
6	Q Okay. I'm looking for full and complete	10:17:51
7	responses to my questions, and with that in mind,	10:17:53
8	if you do not understand one of my questions, will	10:17:55
9	you let me know so that I can rephrase it?	10:17:57
10	A Yes.	10:17:59
11	Q If you do not understand a question --	10:17:59
12	strike that.	10:18:04
13	If you do understand a question, or if you	10:18:04
14	answer a question -- let me start over.	10:18:07
15	If you do answer my question, I'm going	10:18:09
16	to -- I'm going to assume that you understood the	10:18:11
17	question. Does that make sense?	10:18:12
18	A Yes.	10:18:14
19	Q Okay. Now, if you recollect a piece of	10:18:15
20	information or a fact that was responsive to an	10:18:19
21	earlier question, I'm going to ask that you let me	10:18:22
22	know so that you can go back and modify your	10:18:24
23	answer or amend or supplement your answer so that	10:18:26
24	it's full and complete. Okay?	10:18:30

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1	A All right.	10:18:32
2	Q If at any point you realize that one of	10:18:32
3	your prior responses is less than accurate or	10:18:35
4	complete, will you let me know?	10:18:37
5	A Yes.	10:18:37
6	Q And I will let you go back and change or	10:18:38
7	modify your answer to your liking. Okay?	10:18:40
8	A All right.	10:18:45
9	Q Obviously, the court reporter cannot	10:18:46
10	transcribe us both speaking at the same time, so I	10:18:48
11	would ask that you wait until I complete my	10:18:50
12	question before you answer it. Okay?	10:18:52
13	A All right.	10:18:54
14	Q And I will certainly do my best not to	10:18:55
15	step on any of your answers.	10:18:57
16	If you need a break, let us know. You're	10:19:00
17	at liberty to take one. I just ask if there is a	10:19:02
18	question pending that you answer it before we	10:19:05
19	break. Do you understand?	10:19:07
20	A Yes.	10:19:08
21	Q Okay. And before we get started, is there	10:19:08
22	any reason why you cannot give truthful and	10:19:10
23	complete testimony here today?	10:19:14
24	A No.	10:19:15

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1 Q Can you please state your full name for 10:19:16
2 the record. 10:19:17

3 A My John is John Dillon. My last name is 10:19:17
4 spelled D-i-l-l-o-n. 10:19:21

5 Q What did you do to prepare for your 10:19:23
6 deposition here today? 10:19:25

7 A I reviewed police reports that were supplied 10:19:26
8 to me by the Cook County State's Attorney's Office. 10:19:29

9 Q And what police reports did you review? 10:19:33

10 A I reviewed police reports relative to the 10:19:38
11 Robert Bouto case; I reviewed police reports 10:19:41
12 relative to the Serrano and Montanez case, and I 10:19:45
13 reviewed police reports as to the Iglesias case. 10:19:51

14 Q Apart from reviewing police reports in 10:19:55
15 connection with those three prosecutions, did you 10:20:00
16 review any other documents? 10:20:02

17 A I believe I reviewed some felony review 10:20:03
18 folders. 10:20:07

19 Q What is a felony review folder? 10:20:08

20 A Felony review folder is a folder that's 10:20:13
21 prepared by an assistant State's attorney when 10:20:16
22 they go out to a police station or speak with a 10:20:19
23 police officer over the phone and are asked to 10:20:23
24 either provide advice, or they're seeking the 10:20:25

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1	issuance of an arrest warrant, or they're looking	10:20:27
2	for charges to be placed against an individual.	10:20:31
3	Q And is a felony review file maintained in	10:20:32
4	any particular place?	10:20:37
5	A I believe the Cook County State's	10:20:38
6	Attorney's Office maintains them. Where inside	10:20:44
7	their office, that I don't know.	10:20:46
8	Q Let me ask it this way: Are they maintained	10:20:47
9	by the felony review unit or separate and apart	10:20:50
10	from the prosecution file?	10:20:52
11	A No.	10:20:54
12	Q Is it all part of the same file ultimately?	10:20:54
13	A Yes.	10:20:57
14	Q What else did you do to prepare for your	10:20:58
15	deposition?	10:21:04
16	A That's all.	10:21:05
17	Q Okay. Did you meet with your attorneys	10:21:06
18	at all?	10:21:08
19	A Yes.	10:21:09
20	Q How many times did you meet with your	10:21:09
21	attorneys prior to your deposition here today?	10:21:11
22	A Twice.	10:21:12
23	Q And where did you meet with them?	10:21:14
24	A At their offices.	10:21:17

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1	Q Do you know where their offices are?	10:21:18
2	A The Daley Center.	10:21:20
3	Q I'm sorry?	10:21:22
4	A The Daley Center on the 5th floor.	10:21:23
5	Q How long did those meetings last	10:21:29
6	respectively?	10:21:30
7	A I think the first meeting lasted about	10:21:30
8	3 hours, 4 hours, and then the second meeting	10:21:34
9	lasted about 2 hours, 2 1/2 hours.	10:21:36
10	Q And let's talk about the first meeting.	10:21:39
11	Do you remember what month that meeting took	10:21:43
12	place in?	10:21:45
13	A November of this year.	10:21:46
14	Q Who was present without telling me	10:21:48
15	anything that was said?	10:21:52
16	A Myself, Ms. Chojnacki was present, and	10:21:53
17	Mr. Horvat was present.	10:22:05
18	Q Anyone else?	10:22:07
19	A No.	10:22:07
20	Q And that second meeting also in November?	10:22:07
21	A The second meeting was also in November,	10:22:09
22	and, again, it was Mr. Horvat -- I take that back.	10:22:12
23	It was with just Ms. Chojnacki. For a period of	10:22:20
24	time Ms. Nikolaevskaya was present.	10:22:24

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1	Q	When was the last time you communicated	10:22:25
2		with Matt Coghlan in any form or fashion?	10:22:27
3	A	About two weeks ago.	10:22:32
4	Q	And how did that communication take place?	10:22:37
5		Was it by phone, by text?	10:22:40
6	A	It was in person.	10:22:41
7	Q	It was in person? And where did it take	10:22:42
8		place?	10:22:45
9	A	It took place at a funeral home on the	10:22:45
10		south side of Chicago.	10:22:49
11	Q	Were you both in attendance at a funeral?	10:22:51
12	A	At a wake.	10:22:55
13	Q	At a wake?	10:22:56
14	A	Yes.	10:22:56
15	Q	Who died?	10:22:57
16	A	Thomas Sheehan, Jr.	10:22:57
17	Q	And your conversation with Mr. Coghlan, can	10:23:03
18		you estimate how long it took, how long it lasted?	10:23:12
19	A	A couple minutes.	10:23:15
20	Q	And what did he say to you, and what did	10:23:16
21		you say to him?	10:23:20
22	A	He said hello to me; I said hello to him.	10:23:20
23	Q	Anything else?	10:23:25
24	A	Small talk. Nothing relative to this	10:23:25

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1	lawsuit.	10:23:29
2	Q So during the conversation at the funeral	10:23:30
3	home, it's your testimony that there was no mention	10:23:33
4	whatsoever about this lawsuit?	10:23:35
5	A That's correct.	10:23:38
6	Q Okay. Prior to seeing each other at the	10:23:39
7	funeral, when was the last time you spoke to	10:23:51
8	Mr. Coghlan prior to that or communicated with him?	10:23:57
9	A The only other time I communicated with him	10:24:00
10	was at 26th and California, and that was probably	10:24:02
11	sometime in the summer or early fall of 2017.	10:24:11
12	Q Okay. And where did that conversation	10:24:15
13	take place?	10:24:22
14	A I saw him in a hallway in the criminal	10:24:23
15	courts building.	10:24:29
16	Q Okay. Did you speak to each other in the	10:24:30
17	hallway?	10:24:37
18	A Yes.	10:24:37
19	Q And how long did the conversation last?	10:24:38
20	A A couple minutes.	10:24:39
21	Q Okay. And you said this was in summer or	10:24:41
22	fall of 2017?	10:24:45
23	A That's correct.	10:24:45
24	Q And what did he say to you and what did	10:24:46

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1	you say to him?	10:24:50
2	A I just said to him that I can't believe	10:24:50
3	that we're getting sued over a case that I had	10:24:53
4	nothing to do with.	10:24:57
5	Q Okay.	10:24:58
6	A And he said something along the same lines	10:24:59
7	of, "You're right. We didn't do anything wrong."	10:25:06
8	And I said, "Well, I guess we'll just have to see	10:25:08
9	how this plays out." Something along those lines.	10:25:11
10	Q All right. And that was an in-person	10:25:14
11	conversation?	10:25:16
12	A Yes.	10:25:16
13	Q Okay. Did you speak with Mr. Coghlan by	10:25:17
14	telephone at any point let's say in the last	10:25:20
15	two years?	10:25:23
16	A No.	10:25:23
17	Q What about have you had any text	10:25:24
18	conversations, texting with Mr. Coghlan in the	10:25:29
19	past two years?	10:25:33
20	A No.	10:25:34
21	Q So -- and then prior to summer or fall of	10:25:35
22	2017, do you have a recollection of speaking with	10:25:43
23	Mr. Coghlan under any other circumstances?	10:25:45
24	MR. HORVAT: Just so your question is clear,	10:25:49

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1	relative to this case or about anything?	10:25:51
2	MS. BONJEAN: About anything.	10:25:53
3	A Other than to see him in a hallway at	10:25:54
4	26th Street, no.	10:25:58
5	Q So I guess what I'm getting at is,	10:25:59
6	Mr. Coghlan is -- would you characterize him as	10:26:03
7	someone that you maintained contact with prior to	10:26:06
8	this lawsuit?	10:26:10
9	MS. ROSEN: Objection to the form.	10:26:11
10	A No.	10:26:12
11	Q Other than running into him at 26th Street	10:26:12
12	or at a funeral on the south side, did you ever	10:26:15
13	have an opportunity to speak with him by telephone	10:26:17
14	or in any other fashion?	10:26:20
15	A No.	10:26:21
16	Q So -- and just to be clear, prior to summer	10:26:23
17	or fall of 2017, you don't have a recollection of	10:26:29
18	having any specific conversation with Mr. Coghlan	10:26:31
19	other than possibly running into him in the	10:26:33
20	hallways at 26th Street?	10:26:36
21	A That's correct.	10:26:37
22	Q Okay. And then have you had any other	10:26:38
23	conversations at any point about anything related	10:26:41
24	to the Serrano/Montanez case other than the ones	10:26:44

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1	you've already mentioned that took place in summer	10:26:50
2	of 2017 or fall?	10:26:53
3	A No.	10:26:54
4	MS. ROSEN: Object to the form.	10:26:56
5	MR. HIRST: Just for all time in the	10:26:59
6	history of the world?	10:27:01
7	MS. BONJEAN: Well, let me -- when I said	10:27:02
8	case, I meant the civil case but I'll clarify.	10:27:04
9	Q Did you have any -- have you ever had any	10:27:06
10	conversations about the civil suit that's been	10:27:08
11	brought by Mr. Serrano and Mr. Montanez other than	10:27:09
12	what you've already testified to in the summer of	10:27:13
13	2017 or fall or 2017 with Mr. Coghlan?	10:27:16
14	A No.	10:27:21
15	Q You have the ability to reach Mr. Coghlan	10:27:40
16	by cell phone if you wanted to?	10:27:42
17	A No.	10:27:43
18	Q You don't have his cell phone in your --	10:27:44
19	A I don't.	10:27:46
20	Q Okay. So if you pulled out your phone	10:27:46
21	right now, or if I asked you to pull out your	10:27:48
22	phone, you would not have Matt Coghlan's phone	10:27:50
23	number in your cell phone?	10:27:55
24	A I would not.	10:27:57

1	Q And have you ever texted Mr. Coghlan?	10:27:58
2	A No.	10:28:00
3	Q When did you -- when was the first time you	10:28:00
4	ever met Matt Coghlan? Do you remember?	10:28:11
5	A Back in either 1992 or 1993.	10:28:13
6	Q And where did you meet him?	10:28:23
7	A At the Cook County State's Attorney's Office.	10:28:25
8	Q Were you a State's attorney?	10:28:29
9	A Yes, I was.	10:28:30
10	Q And was he a State's attorney?	10:28:31
11	A He was.	10:28:32
12	Q So is it fair to say that you did not know	10:28:33
13	Matt Coghlan prior to joining the Cook County	10:28:36
14	State's Attorney's Office?	10:28:41
15	A That's correct.	10:28:41
16	Q Mr. Dillon, how old are you?	10:28:42
17	A 60.	10:28:43
18	Q And what's your date of birth?	10:28:45
19	A [REDACTED]	10:28:45
20	Q And where do you live generally?	10:28:47
21	A [REDACTED]	10:28:52
22	Q Do you live with your family?	10:28:54
23	A Yes.	10:28:55
24	Q Do you have grown children?	10:28:56

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1	A I do.	10:28:58
2	Q How many?	10:28:58
3	A Three.	10:28:59
4	Q Do any live with you presently?	10:28:59
5	A No.	10:29:03
6	Q Are any of your children either in the	10:29:03
7	legal field or law enforcement?	10:29:07
8	A No.	10:29:09
9	Q Do they all live in the Chicago area?	10:29:10
10	A Yes.	10:29:14
11	Q Have you ever been arrested?	10:29:14
12	A No.	10:29:16
13	Q Have you ever been charged with an offense	10:29:17
14	other than traffic violations regardless of whether	10:29:19
15	you were physically detained, arrested, and	10:29:22
16	regardless of the outcome of the case?	10:29:27
17	A No.	10:29:28
18	Q Have you ever been sued?	10:29:28
19	MR. HORVAT: Other than what's going on	10:29:32
20	right now?	10:29:33
21	MS. BONJEAN: Correct.	10:29:34
22	A No.	10:29:35
23	Q So apart from this civil suit, you've never	10:29:37
24	been named as a party in any other civil action?	10:29:40

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1	A That's correct.	10:29:44
2	Q Are you currently employed?	10:29:45
3	A Yes.	10:29:52
4	Q By whom?	10:29:53
5	A <u>The Prisoner Review Board, State of</u>	10:29:53
6	Illinois.	10:29:59
7	Q And where do you physically work?	10:29:59
8	A I go to either St. Charles at the juvenile	10:30:02
9	detention facility located there or the juvenile	10:30:07
10	detention facility located in Warrenville, Illinois.	10:30:10
11	Q And can you describe for me what your role	10:30:14
12	or responsibilities are in connection with your	10:30:20
13	work at the PRB?	10:30:22
14	A Yes. As a result of litigation, juvenile	10:30:24
15	detainees who are seeking to have their parole	10:30:31
16	revoked by the State of Illinois are entitled to a	10:30:34
17	probable cause hearing for purposes of determining	10:30:37
18	whether or not there's sufficient probable cause	10:30:40
19	to continue to detain them and to have them go	10:30:45
20	before the board for a determination of whether	10:30:47
21	their parole was violated. I am the hearing	10:30:51
22	officer.	10:30:54
23	So there's a preliminary hearing that takes	10:30:55
24	place. The lawyers from the Department of	10:30:57

Transcript of John Dillon
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1 Juvenile Justice represent the State of Illinois'
2 interests in the hearing. The juvenile arrestee
3 who they're seeking to have their parole revoked
4 is represented by private counsel.

5 They present evidence to me, and I make a
6 determination as to whether or not I believe
7 probable cause is established for them to go before
8 the Prisoner Review Board for a final determination
9 of whether or not they're in violation of their
10 parole.

11 Q Okay. As a hearing officer, that's just
12 you making the decision of whether they go in
13 front of the panel or the board; is that right?

14 A That's correct.

15 Q And you said that the juveniles are
16 represented by private counsel?

17 A The Cabrini Green Legal Clinic has been
18 retained by the State to provide representation
19 for them. Also, a private attorney by the name of
20 Darren O'Brien is also retained to represent the
21 youth.

22 Q Okay. And how long have you held this
23 position?

24 A Since January of 2015.

10:30:59
10:31:02
10:31:06
10:31:08
10:31:10
10:31:13
10:31:14
10:31:17
10:31:21
10:31:25
10:31:25
10:31:27
10:31:30
10:31:31
10:31:32
10:31:34
10:31:36
10:31:42
10:31:44
10:31:49
10:31:52
10:31:52
10:31:55
10:31:56

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1	Q And is it the State of Illinois that signs	10:31:59
2	your checks?	10:32:07
3	A Yes.	10:32:08
4	Q And how did you get that position? Did	10:32:08
5	you apply for it?	10:32:17
6	A I applied for the position.	10:32:18
7	Q Okay. I want to move backwards a little	10:32:22
8	bit. Can you just tell me what year it is you	10:32:25
9	graduated from high school?	10:32:27
10	A 1976.	10:32:28
11	Q And where did you attend high school?	10:32:29
12	A Well, I attended first at Loyola Academy	10:32:32
13	from 19 -- I went there the first two years, my	10:32:37
14	freshman and sophomore years, and I transferred to	10:32:42
15	Evanston Township High School, which is where I	10:32:45
16	graduated from in 1976.	10:32:48
17	Q And in 1976 upon graduation of high	10:32:50
18	school, what did you do by way of education, or	10:32:52
19	employment, or both?	10:32:54
20	A I went to college.	10:32:55
21	Q Where did you attend college?	10:32:55
22	A For the first two years of college I	10:32:57
23	attended DePaul University.	10:32:59
24	Q All right. And then?	10:33:02

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1	A	Then I transferred to the University of	10:33:04
2		Notre Dame, and I received my undergraduate degree	10:33:07
3		in 1980.	10:33:09
4	Q	What did you study?	10:33:10
5	A	History.	10:33:11
6	Q	Did you work through college?	10:33:11
7	A	No.	10:33:14
8	Q	Now, after you received your degree in	10:33:15
9		history from Notre Dame, what did you do, again,	10:33:17
10		either by way of employment or further education?	10:33:21
11	A	I went to law school.	10:33:22
12	Q	Where did you attend law school?	10:33:24
13	A	Loyola University of Chicago.	10:33:26
14	Q	And what year did you graduate?	10:33:28
15	A	1983.	10:33:30
16	MS. BONJEAN:	This is a point -- I'm sorry --	10:33:36
17		I have to take a quick break. I apologize.	10:33:37
18	THE VIDEOGRAPHER:	We are going off the	10:33:39
19		record. The time is 10:33 a.m.	10:33:41
20		(Recess taken, 10:33 a.m. to 10:47 a.m.)	10:39:29
21	THE VIDEOGRAPHER:	We are going back on	10:47:49
22		the record. The time is 10:47 a.m.	10:47:51
23	BY MS. BONJEAN:		10:47:54
24	Q	Mr. Dillon --	10:47:56

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1	MR. HORVAT: I'm sorry; before we start,	10:47:57
2	can you identify the new individual that came into	10:47:59
3	the room?	10:48:01
4	MS. BONJEAN: Sure. Present also is my	10:48:02
5	client, Mr. Armando Serrano.	10:48:03
6	MR. HORVAT: Thank you.	10:48:03
7	BY MS. BONJEAN:	10:48:03
8	Q Mr. Dillon, before we broke I had asked	10:48:10
9	you about your law school I think experience. You	10:48:12
10	said you went to University of Chicago --	10:48:15
11	University of Loyola Chicago School of Law?	10:48:17
12	A Loyola University of Chicago School of	10:48:17
13	Law, yes.	10:48:20
14	Q And you graduated in what year?	10:48:21
15	A 1983.	10:48:23
16	Q Did you work when you were in law school?	10:48:23
17	A No.	10:48:25
18	Q And after you graduated from law school,	10:48:26
19	can you tell me what your first job was?	10:48:33
20	A I worked as an associate for approximately	10:48:35
21	six months in a law firm Concannon, Dillon, Snook	10:48:39
22	& Morton.	10:48:47
23	Q Concannon --	10:48:48
24	A -- Dillon, Snook & Morton.	10:48:50

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1	Q Is the Dillon someone related to you?	10:48:52
2	A My grandfather along with another	10:48:55
3	individual founded that law firm, and at the time	10:48:59
4	I worked there my father worked there, as well as	10:49:01
5	two of my uncles.	10:49:03
6	Q Okay. So your father was a lawyer, your	10:49:05
7	grandfather was a lawyer, and two uncles were	10:49:07
8	lawyers?	10:49:10
9	A My great-grandfather was also a lawyer.	10:49:10
10	MS. ROSEN: Can we have for the record the	10:49:14
11	individual that just walked in?	10:49:14
12	MS. BONJEAN: Yes. Also present is	10:49:18
13	Plaintiff Jose Montanez.	10:49:20
14	BY MS. BONJEAN:	10:49:26
15	Q Did either your father, your grandfather,	10:49:27
16	your great-grandfather, any of your uncles work	10:49:29
17	for the Cook County State's Attorney's Office?	10:49:32
18	A No.	10:49:35
19	Q So upon graduation from law school, you	10:49:35
20	worked in the private sector for about six months;	10:49:38
21	is that fair to say?	10:49:41
22	A About six months, yes.	10:49:42
23	Q And then where did you go?	10:49:43
24	A The Cook County State's Attorney's Office.	10:49:45

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1	Q And that would have been in 1984?	10:49:49
2	A June 1st of 1984 is when I started.	10:49:51
3	Q All right. I'm going to ask you at this	10:49:55
4	point if you could to the best of your ability	10:49:57
5	take us through your assignments in the Cook	10:49:59
6	County State's Attorney's Office generally. Okay?	10:50:06
7	A Sure.	10:50:06
8	Q I know this -- we're talking a couple	10:50:07
9	decades here.	10:50:09
10	A June 1st of 1984 I started in the 4D unit,	10:50:10
11	which is the child support enforcement division,	10:50:14
12	and I did that up until sometime in 1986.	10:50:18
13	In 1986 I then went to the juvenile division,	10:50:26
14	1100 South Hamilton, and I was there for about a	10:50:33
15	year. And then they had a program where they took	10:50:37
16	one assistant from juvenile and one assistant from	10:50:41
17	the First Municipal Division and had them serve as	10:50:44
18	a fourth chair, for lack of a better word, trial	10:50:50
19	assistant at 26th and California. So I went there	10:50:53
20	for four months. I was in front of Judge Karnezis,	10:50:58
21	Themis Karnezis.	10:51:02
22	Then I came back to juvenile maybe another	10:51:05
23	five or six months, and then I transferred -- I	10:51:09
24	believe it was 1987 or 1988 to the felony review	10:51:13

Transcript of John Dillon
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1 unit. I was in felony review for approximately
2 six or seven months.

3 Then in 1988 I went to the preliminary
4 hearing unit, and I was in the preliminary hearing
5 unit I believe until November of 1988.

6 From the preliminary hearing unit I then
7 went -- I was assigned as a third chair in a
8 felony trial courtroom at 26th Street, Judge John
9 Morrison's courtroom. I was there for I think a
10 little under a year.

11 Then from there I went to Judge Christy
12 Berkos' courtroom as a third chair, and I was
13 there approximately a year.

14 From there I was promoted to second chair
15 in a felony trial courtroom.

16 Q Can I ask what year we're at when you were
17 promoted to second chair, roughly, if you recall?

18 A I would say 1990 -- '89, '90. I was assigned
19 to Judge Fiala's courtroom for I think eight months.
20 Again, this would be around '89, '90.

21 Then I went to Judge Thomas Head's
22 courtroom as a second chair at 26th and
23 California.

24 Then from Judge Head's courtroom I was

10:51:19

10:51:30

10:51:34

10:51:37

10:51:43

10:51:46

10:51:48

10:51:53

10:51:58

10:52:04

10:52:05

10:52:09

10:52:14

10:52:16

10:52:18

10:52:20

10:52:23

10:52:26

10:52:36

10:52:43

10:52:50

10:52:53

10:53:00

10:53:00

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1 promoted to first chair, but first -- my first

10:53:03

2 assignment as a first chair was to the night

10:53:08

3 narcotics unit, and this is probably in 1991.

10:53:11

4 That was a four-month assignment, and then from

10:53:17

5 there I went to Judge Vincent Gaughan's courtroom

10:53:22

6 as first chair, and I was assigned to Judge

10:53:25

7 Gaughan's courtroom until '92 I'd say, sometime

10:53:29

8 in 1992.

10:53:42

9 In 1992 I went to the gang crimes unit,

10:53:42

10 and I was assigned there until April of 1994, and

10:53:47

11 I was promoted as a deputy supervisor of the

10:53:55

12 felony review unit. I was there until sometime in

10:53:57

13 1997. In 1997 I was assigned as the supervisor of

10:54:03

14 the Third Municipal District in Rolling Meadows.

10:54:14

15 I was there until approximately 2000.

10:54:19

16 In 2000 I came back as a felony trial

10:54:25

17 supervisor at 26th and California, and I remained

10:54:28

18 a felony trial supervisor until 2007 or 2008,

10:54:34

19 whenever State's Attorney Alvarez became State's

10:54:40

20 Attorney, and then they moved me to -- they

10:54:48

21 combined two positions, the head of Branch 66,

10:54:50

22 which is the homicide section, and the preliminary

10:54:54

23 hearing unit.

10:54:56

24 So I was the supervisor of both of those

10:54:57

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1	units, and I remained there until my retirement,	10:54:59
2	which was December 31st of 2014.	10:55:03
3	Q And then in 2015 is when you began working	10:55:07
4	for the --	10:55:13
5	A January of 2015, yes.	10:55:14
6	Q Okay.	10:55:16
7	A And by the way, I do remember the name of	10:55:18
8	the person that I gave a deposition on earlier	10:55:22
9	now. <u>His name is James Marshall.</u>	10:55:25
10	Q James Marshall is the individual who --	10:55:27
11	A He was the individual who was charged with	10:55:30
12	a crime that I took the statement from.	10:55:32
13	Q Okay. And this is a matter that TIRC is	10:55:34
14	handling?	10:55:38
15	A I believe it's not pending anymore.	10:55:38
16	That's my understanding but I'm not entirely sure	10:55:43
17	about that.	10:55:46
18	Q Okay. I would like to first focus in on	10:55:47
19	your felony review days, if I could.	10:55:59
20	A As an assistant going through felony	10:56:01
21	review or as a deputy supervisor?	10:56:04
22	Q First, we'll start as an assistant, and I	10:56:06
23	know you were a supervisor in felony review, I	10:56:09
24	think you said from April of '94 to '97.	10:56:12

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1	A Sometime in 1997, yes.	10:56:19
2	Q Okay. Let's first talk about as an	10:56:21
3	assistant for felony review. What generally were	10:56:23
4	your responsibilities when you were assigned to	10:56:25
5	felony review as an assistant?	10:56:27
6	A My responsibilities were if I was assigned	10:56:29
7	to a case that would be called in by the Chicago	10:56:33
8	Police Department where they were either seeking	10:56:38
9	an arrest warrant or they were seeking charges	10:56:40
10	against an individual, we would be assigned to go	10:56:44
11	out on those cases. The police would call into a	10:56:46
12	dispatcher, and the dispatcher would then assign	10:56:50
13	the cases.	10:56:52
14	Q And were you assigned to a particular area	10:56:54
15	or was it citywide?	10:56:58
16	A Technically it was an area, but depending	10:57:01
17	on how many cases there were in a given shift you	10:57:05
18	could be sent anywhere.	10:57:10
19	Q Okay. And when you were assigned to felony	10:57:11
20	review as an assistant, how many, approximately,	10:57:14
21	lawyers were assigned to that unit?	10:57:18
22	A Approximately 26 to 28 State's attorneys.	10:57:20
23	Q Okay. And you said generally you were	10:57:30
24	assigned to an area, but you could be called	10:57:36

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1	anywhere; is that fair to say?	10:57:39
2	A Correct. When I did that, there were	10:57:40
3	six areas in the Chicago Police Department, and	10:57:44
4	they were six State's attorneys working during a	10:57:46
5	12-hour shift.	10:57:50
6	Q Okay. And did the areas correspond to the	10:57:51
7	violent crimes areas that the --	10:57:54
8	A That's correct.	10:57:56
9	Q And what area were you assigned to?	10:57:56
10	A All of them.	10:57:58
11	Q Okay. Was there one that you were	10:58:01
12	focused on?	10:58:03
13	A No, I didn't have any real say in it. It's	10:58:04
14	where whoever made up the schedule assigned me.	10:58:06
15	Q Okay. Just so I understand, for every	10:58:08
16	shift you could be assigned to any one of the six;	10:58:10
17	is that fair to say?	10:58:13
18	A That's correct.	10:58:14
19	Q It wasn't like you were given an assignment	10:58:14
20	for the entire six or seven months that you were	10:58:16
21	in felony review; right?	10:58:19
22	A That's correct.	10:58:21
23	Q And when you were an assistant assigned to	10:58:21
24	felony review, did you have the opportunity to	10:58:24

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1	respond to Area 5?	10:58:26
2	A Yes.	10:58:28
3	Q And were there certain violent crime areas	10:58:29
4	or areas that had more activity than others?	10:58:32
5	A Yes.	10:58:34
6	Q And can you to the best of your ability	10:58:35
7	tell me which areas were the most active, if you	10:58:40
8	could, during the time period that you were	10:58:44
9	assistant -- an assistant in the felony review	10:58:46
10	division?	10:58:50
11	A I would say it was primarily Area 3 and	10:58:51
12	Area 4.	10:58:54
13	Q And was one of your responsibilities when	10:59:00
14	you were an assistant there to take statements of	10:59:04
15	witnesses?	10:59:07
16	A Yes.	10:59:07
17	Q Okay. Now, you said someone would call or	10:59:08
18	the police department would call a dispatcher; is	10:59:13
19	that right?	10:59:16
20	A That's correct.	10:59:16
21	Q And then the dispatcher would essentially	10:59:16
22	send you out to wherever the call came from; right?	10:59:19
23	A Depending on whether it was a case that	10:59:22
24	required me to go to an area or whether it was	10:59:25

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1	something I could handle over the telephone.	10:59:27
2	Q Okay. So sometimes you could call in and	10:59:29
3	take care of whatever needs the police officers	10:59:32
4	had; correct?	10:59:34
5	A Correct.	10:59:35
6	Q Did you receive any specific type of	10:59:36
7	training when -- before you became assigned to	10:59:40
8	felony review?	10:59:44
9	A Just as to, you know, the information that	10:59:45
10	had to be filled out and made part of the felony	10:59:50
11	review folder, you know, making sure we understood	10:59:53
12	what the Miranda warnings were if we had to advise	10:59:58
13	them of the Miranda warnings, make sure that we'd	11:00:02
14	be alone with the person in custody they were	11:00:09
15	seeking charges against for a period of time.	11:00:11
16	Q Did you receive a formalized training, or	11:00:14
17	was this sort of on-the-job mentoring by another	11:00:21
18	associate -- another assistant?	11:00:26
19	A Well, each felony review team, as I told	11:00:27
20	you, had six assistants.	11:00:30
21	Q Okay.	11:00:32
22	A One of those six assistants was a trial	11:00:33
23	assistant at 26th and California who would spend a	11:00:34
24	four-month shift. So that would be a person that	11:00:38

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1	you could seek advice from or who could, for lack	11:00:41
2	of a better word, show you the ropes.	11:00:44
3	Q Okay. But was there any type of formalized	11:00:46
4	training? Like if you're a new assistant coming	11:00:49
5	into felony review, you have to participate in	11:00:52
6	this training on this date at this time?	11:00:54
7	A No.	11:00:55
8	Q Was there any kind of classroom setting or	11:00:56
9	classroom discussion related to the topics that	11:00:58
10	you've mentioned?	11:01:00
11	A No.	11:01:01
12	Q Were there any simulations or let's role	11:01:02
13	play a particular situation that you might	11:01:07
14	encounter when you go to respond to a call from	11:01:11
15	one of these areas?	11:01:15
16	A No.	11:01:16
17	Q And do you recall who your supervisor was	11:01:17
18	when you were an assistant?	11:01:26
19	A Yes.	11:01:27
20	Q Who was it?	11:01:27
21	A Lynne Kawamoto.	11:01:28
22	Q Now, did you ever overlap in felony review	11:01:35
23	with Matt Coghlan?	11:01:38
24	A No.	11:01:40

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1	Q Okay. Was Matt Coghlan more senior to you	11:01:41
2	or junior to you?	11:01:43
3	A I don't know.	11:01:44
4	Q I mean, do you know if you started in the	11:01:45
5	office around the same time?	11:01:47
6	A I don't know.	11:01:48
7	Q Was he already in the office when you	11:01:49
8	started or you don't remember?	11:01:50
9	A I don't know.	11:01:51
10	Q Okay. Well, you obviously worked together	11:01:53
11	in the gang crimes unit; right?	11:01:59
12	A Correct.	11:02:01
13	Q Do you have a recollection of ever working	11:02:02
14	together in any other division prior to the gang	11:02:04
15	crimes assignment in '92?	11:02:07
16	A No.	11:02:12
17	Q Okay. So you said there were some subject	11:02:13
18	matters that you learned, it sounds like informally,	11:02:20
19	from other people who might have been either more	11:02:23
20	senior or supervisors in the felony review division.	11:02:27
21	Is that fair to say?	11:02:31
22	A That's fair.	11:02:32
23	Q Okay. But this was not a formalized type	11:02:32
24	of instruction? This is a more of a	11:02:36

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1	show-you-the-ropes type of instruction; right?	11:02:38
2	MS. ROSEN: Objection; asked and answered.	11:02:43
3	A Yes.	11:02:44
4	Q And one of the subject matters you	11:02:44
5	mentioned was understanding Miranda; right?	11:02:46
6	A Yes.	11:02:49
7	Q Did you -- how did you learn how to take	11:02:50
8	the statements of witnesses?	11:02:53
9	MS. ROSEN: Object to the form.	11:02:57
10	A By asking them questions, and if they were	11:02:59
11	willing to make a statement to me, writing a	11:03:01
12	summary of what it is they told me.	11:03:03
13	Q Well, were you taught or did you learn in	11:03:05
14	any way any guidelines for how to conduct an	11:03:08
15	interview of a -- of a witness in a serious crime?	11:03:10
16	A No.	11:03:16
17	Q What about taking statements from	11:03:16
18	suspects?	11:03:19
19	A That was part of my responsibilities.	11:03:20
20	Q Right. And did you receive any specific	11:03:23
21	training on how to conduct an interview of a	11:03:28
22	suspect?	11:03:32
23	A No.	11:03:32
24	MS. ROSEN: Object to the form.	11:03:34

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1	Q Well, how -- for your own purposes, how	11:03:36
2	did you figure out how to take the statement of a	11:03:39
3	suspect?	11:03:41
4	MS. ROSEN: Object to the form.	11:03:42
5	MR. HORVAT: Object to the form.	11:03:43
6	You can answer.	11:03:44
7	A It was no different than taking a	11:03:46
8	statement from a witness.	11:03:47
9	Q Okay. And what are the guiding principles	11:03:49
10	in your mind of what you need to be thinking about	11:03:50
11	when you're taking a statement of either a witness	11:03:52
12	or a suspect?	11:03:54
13	MR. HORVAT: Object to the form of the	11:03:55
14	question.	11:03:57
15	You can answer if you understand, John.	11:03:58
16	A Just getting to the truth.	11:04:02
17	Q Okay. Well, can you beat the crap out of	11:04:03
18	somebody?	11:04:06
19	MS. ROSEN: Object to the form.	11:04:07
20	A Are you asking did I ever do something	11:04:08
21	like that?	11:04:10
22	Q No. I said, can you?	11:04:10
23	A No.	11:04:11
24	Q Okay. So that -- that's one factor that	11:04:12

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1	you would want to stay away from, right, actually	11:04:13
2	using physical force against a detainee, or a	11:04:16
3	suspect, or witness; right?	11:04:20
4	A Yes.	11:04:22
5	MS. ROSEN: Object to the form.	11:04:23
6	Q Any other guidelines that were either	11:04:24
7	taught -- self-taught or taught to you by another	11:04:27
8	individual about how to conduct the interview or	11:04:31
9	interrogation of a suspect?	11:04:34
10	MS. ROSEN: Object to the form.	11:04:37
11	A No.	11:04:38
12	Q Was there any type of protocol that you	11:04:39
13	can point me to on how you went into an interview	11:04:42
14	with a suspect?	11:04:44
15	MR. HORVAT: I'm going to object. It's	11:04:46
16	asked and answered at this point.	11:04:48
17	You can answer again.	11:04:50
18	A There was no protocol. I would go in and	11:04:51
19	I would introduce myself to the person. I'd	11:04:54
20	advise them that I was an assistant State's	11:04:56
21	attorney, that I was a lawyer, that I was a	11:04:59
22	prosecutor, that I wasn't their lawyer, and I	11:05:00
23	asked them if they understood who I was.	11:05:03
24	Q Okay.	11:05:04

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1 A If they answered that they did understand,
2 then I proceeded and told them that I'd like to
3 speak with them regarding this incident that I had
4 been called out on.

5 Q Well, those introductory remarks, did you
6 get taught that by somebody, or did you make that
7 up on your own?

8 MS. ROSEN: Object to the form.

9 A I didn't make it up on my own. I think it
10 was, again, through mentoring. It was something
11 you learned how to introduce yourself, and you
12 wanted to make sure that the person that you were
13 interviewing understood who you were and what your
14 role was.

15 Q So you were -- you think that's one of
16 those things that maybe a mentor taught you how to
17 do or something to say before you --

18 A Well, and also common sense. I mean, I
19 think obviously if I go to interview someone, I'm
20 going to introduce myself and let them know who
21 I am.

22 Q Okay. Was one of your goals in felony
23 review to ensure that probable cause existed to
24 justify proposed charges?

1	A No.	11:05:54
2	Q What was your goal as an assistant in	11:05:54
3	felony review then?	11:05:58
4	A My goal was to get to the truth of whatever	11:05:58
5	the police were seeking charges on. If they're	11:06:02
6	seeking charges against someone, I wanted to get	11:06:05
7	to the truth as to the witnesses I interviewed and	11:06:07
8	what information they had relative to the case	11:06:12
9	that I had been called out on.	11:06:14
10	Q So your job was to get to the truth when	11:06:15
11	you were in felony review?	11:06:17
12	A That's what I understood, yes. That was	11:06:18
13	part of my responsibility.	11:06:21
14	Q Were there times when a suspect told you	11:06:22
15	that they had an alibi, for instance?	11:06:28
16	A Yes.	11:06:31
17	Q Okay. Did you go out and interview alibi	11:06:31
18	witnesses then possibly?	11:06:35
19	A I would make the request of the police to	11:06:35
20	go and find the alibi witnesses so they could be	11:06:38
21	interviewed, yes.	11:06:41
22	Q Okay. So ultimately, who made a decision	11:06:44
23	about whether or not someone was going to be	11:06:48
24	charged with a crime? Was it felony review or the	11:06:50

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1	police?	11:06:53
2	A It was felony review, State's Attorney's	11:06:54
3	Office.	11:06:59
4	Q Okay. So you would agree that one of your	11:06:59
5	roles was to approve charges; right?	11:07:02
6	MS. ROSEN: Object to the form.	11:07:06
7	A As well as reject charges, that's correct.	11:07:08
8	Q Okay. And were you trained in how to	11:07:10
9	determine when you should approve charges or	11:07:12
10	reject charges?	11:07:17
11	A No.	11:07:17
12	Q Was that just a discretionary issue, or	11:07:18
13	were there any guidelines that you followed in	11:07:22
14	determining whether or not you should approve or	11:07:25
15	reject charges?	11:07:26
16	A Yes, the law that existed in the state of	11:07:28
17	Illinois.	11:07:31
18	Q I'm sorry?	11:07:31
19	A The law that existed in the state of	11:07:32
20	Illinois. So if they were seeking an armed robbery	11:07:35
21	charge, then I had to satisfy myself that there	11:07:38
22	was sufficient evidence to potentially prove a	11:07:40
23	case beyond a reasonable doubt that somebody was	11:07:43
24	armed with a dangerous weapon and took property by	11:07:44

1 the use or threatening the imminent use of force.

11:07:47

2 That was the standard that I would apply in

11:07:50

3 reviewing a request for armed robbery charges.

11:07:52

4 Q So you were applying a reasonable doubt
5 standard when you approved charges?

11:07:54

11:07:57

6 A Yes, because that's what would have to be
7 proven in a court of law.

11:07:57

11:07:59

8 Q Okay. So every -- just so I understand,
9 in every case when you approved felony charges,
10 you felt confident that it could be proved beyond
11 a reasonable doubt?

11:08:00

11:08:03

11:08:05

11:08:07

12 A Yes.

11:08:07

13 Q And what if you didn't think that a case
14 could be proved beyond a reasonable doubt? What
15 was your recourse or how did you respond?

11:08:08

11:08:13

11:08:15

16 A Then I would reject felony charges, the
17 police request for felony charges.

11:08:20

11:08:24

18 Q Okay. And was there a mechanism by which
19 the police could overrule that?

11:08:25

11:08:31

20 A There was for all crimes except first-
21 degree murder is my recollection.

11:08:33

11:08:39

22 Q All right.

11:08:41

23 A If we rejected those charges, then they
24 had no recourse.

11:08:42

11:08:45

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1 Q Now, during this six- to seven-month period 11:08:46
2 that you were an assistant assigned to felony 11:08:49
3 review, do you know how many times a week you 11:08:50
4 responded to a police station? And I would say in 11:08:52
5 person. We'll say it that way. You can give me a 11:08:56
6 range if that's helpful. 11:09:00

7 A You know, it really fluctuated quite a bit. 11:09:02
8 The summers typically tended to be more busy, but 11:09:10
9 it was a steady stream. I think that probably I 11:09:14
10 would have to go out five, six times a shift not 11:09:23
11 counting telephone calls where I would have to 11:09:31
12 speak with the police over the phone where they 11:09:33
13 were seeking charges. 11:09:35

14 Q Okay. So five to six times per shift, and 11:09:36
15 then also fielding telephone calls; is that fair, 11:09:40
16 roughly? 11:09:44

17 A Yes. 11:09:44

18 Q Do you have a sense of how many times you 11:09:45
19 approved felony charges during your time in felony 11:09:52
20 review for murder? 11:09:54

21 A I don't recall. 11:09:59

22 Q Can you estimate how many times you rejected 11:10:00
23 felony review -- strike that. 11:10:06

24 Can you estimate how many times you rejected 11:10:08

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1	murder charges when you were an assistant in	11:10:10
2	felony review?	11:10:12
3	A Again, I don't recall.	11:10:13
4	Q As you sit here today, can you remember a	11:10:15
5	single time that you rejected?	11:10:19
6	A Yes.	11:10:21
7	Q Okay. Can you tell me about that time?	11:10:21
8	A Sure. There was a case that I got called	11:10:24
9	out; it was to Area 5, and it was an individual	11:10:27
10	who had Tourette Syndrome, and he got into an	11:10:30
11	argument with his father or brother. And the	11:10:41
12	argument became physical, and he punched his	11:10:46
13	father in the stomach, and unbeknownst to him he	11:10:50
14	had an aneurysm in his stomach, and it ruptured	11:10:54
15	and he bled to death. So the police sought felony	11:11:00
16	charges of first-degree murder against the son who	11:11:04
17	punched his father in the stomach and I rejected	11:11:05
18	those charges.	11:11:08
19	Q Do you remember who the detectives were on	11:11:09
20	that case?	11:11:11
21	A I don't.	11:11:11
22	Q Any other cases that come to mind in which	11:11:13
23	you rejected murder charges?	11:11:17
24	A Well, this was at a different time in my	11:11:19

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1	career but at one --	11:11:29
2	MR. HORVAT: John, let me interject for a	11:11:31
3	second.	11:11:33
4	You can go ahead and testify to the facts.	11:11:34
5	I don't want you testifying to any mental	11:11:36
6	impressions you had or why you did not make the	11:11:39
7	determination.	11:11:42
8	With that said, go ahead.	11:11:43
9	A The police in Palatine sought first-degree	11:11:45
10	murder charges against two individuals for the	11:11:48
11	Brown's Chicken murders and I rejected those charges.	11:11:51
12	Q Simonek?	11:11:55
13	A Yes. John Simonek, yes.	11:11:57
14	Q Were you on the special task force as it	11:12:02
15	related to the Brown's Chicken?	11:12:11
16	A I was not on the special task force. I was	11:12:12
17	the head of the Third Municipal District at the	11:12:14
18	time they sought those charges.	11:12:17
19	Q When you were an assistant in felony review,	11:12:18
20	did you have the opportunity to get trained on or	11:12:22
21	learn about lineups?	11:12:28
22	A No.	11:12:30
23	Q Okay. Did you have any training as it	11:12:31
24	relates to conducting lineups?	11:12:33

1	A	No.	11:12:35
2	Q	And I'm talking either before you were	11:12:36
3		assigned -- before you were assigned to felony	11:12:39
4		review or even after.	11:12:41
5	A	No, because I was -- I wasn't present when	11:12:43
6		lineups were conducted.	11:12:45
7	Q	Okay. You certainly, though, litigate	11:12:47
8		issues related to suggestibility in lineups; right?	11:12:51
9	MR. HORVAT:	Object to the form of the	11:12:56
10		question.	11:12:58
11		Do you understand the question?	11:12:59
12	A	As a -- as a trial attorney --	11:13:00
13	Q	Right.	11:13:00
14	A	-- yes.	11:13:01
15	Q	So as a trial attorney you were called	11:13:02
16		upon --	11:13:04
17	A	To litigate motions --	11:13:05
18	Q	Right. Motions to suppress IDs?	11:13:07
19	A	To suppress identification, yes.	11:13:10
20	Q	So during the course of your career, was	11:13:12
21		it important to understand what constituted a	11:13:15
22		sound lineup versus suggestive lineup?	11:13:17
23	MS. ROSEN:	Object to the form.	11:13:24
24	MR. HORVAT:	You can answer if you	11:13:27

1	understand.	11:13:29
2	A I don't really understand.	11:13:29
3	Q Do you know what a suggestive lineup is?	11:13:30
4	A I could come up with factual scenarios that	11:13:34
5	would be a suggestive lineup.	11:13:37
6	Q Okay. Well, generally, would you agree that	11:13:39
7	suggestive lineups are lineups that are arguably	11:13:40
8	constituted in a way where the person viewing the	11:13:45
9	lineup might be inclined or suggested to pick one --	11:13:48
10	pick a particular person out?	11:13:54
11	MS. ROSEN: Object to the form.	11:13:57
12	MR. HORVAT: You can answer if you	11:13:59
13	understand.	11:14:00
14	A Depending upon the particular circumstances.	11:14:00
15	Q Okay. Are you telling me you don't	11:14:04
16	understand the concept of a suggestive lineup?	11:14:06
17	MS. ROSEN: Object to the form and to the	11:14:10
18	argument in your voice.	11:14:12
19	MR. HORVAT: He answered your question.	11:14:13
20	You don't have to be argumentative.	11:14:14
21	MS. BONJEAN: I'm not being argumentative.	11:14:16
22	I'm asking a question.	11:14:18
23	Q Do you understand the concept of a	11:14:18
24	suggestive lineup?	11:14:21

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1	MR. HORVAT: That's the question. You may	11:14:21
2	answer.	11:14:22
3	A I believe I do.	11:14:22
4	Q Okay. What do you understand that to mean?	11:14:22
5	A It's where there's some type of inappropriate	11:14:24
6	conduct on the police in the conducting of a	11:14:28
7	lineup so that it's not -- allows the witness who	11:14:30
8	is observing the lineup to view it, you know, with	11:14:33
9	an open mind without being influenced in any way,	11:14:38
10	shape, or form.	11:14:41
11	Q It doesn't have to involve maliciousness	11:14:41
12	on the part of a detective, though; right? It	11:14:44
13	could be an error; right?	11:14:47
14	MR. HORVAT: Object to the form of the	11:14:49
15	question.	11:14:51
16	A Again, that's subjective. One person may	11:14:51
17	look at something and think it's suggestive, and	11:14:56
18	another person may look at it and say it's not	11:14:59
19	suggestive. So I can't speculate as to a general	11:15:00
20	black-and-white rule along those lines.	11:15:04
21	Q You just testified that a suggestive	11:15:06
22	lineup involved misconduct by a police officer.	11:15:08
23	A Yes.	11:15:13
24	Q Okay. It doesn't always involve misconduct	11:15:13

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1	by a police officer; right? You could have a	11:15:16
2	suggestive lineup without misconduct; right?	11:15:18
3	MS. ROSEN: Objection to form.	11:15:22
4	MR. HORVAT: You can answer if you	11:15:23
5	understand.	11:15:24
6	A <u>No, I don't agree with that.</u>	11:15:25
7	Q Okay. So your position is that if there	11:15:27
8	is a suggestive lineup that's put together, it	11:15:30
9	would always involve some maliciousness or	11:15:32
10	purposeful conduct on the part of the police	11:15:35
11	officers?	11:15:39
12	A I would --	11:15:39
13	MS. ROSEN: Object to the form --	11:15:41
14	MR. HORVAT: And object, misstates his	11:15:41
15	testimony.	11:15:41
16	MS. ROSEN: -- compound.	11:15:43
17	Q You can clarify for me?	11:15:45
18	A I don't know if it's malicious --	11:15:46
19	MS. ROSEN: It's not up to the witness to	11:15:46
20	clarify if he doesn't understand the question.	11:15:48
21	MS. BONJEAN: You can answer the question.	11:15:50
22	A I don't know if it's malicious or	11:15:52
23	purposeful.	11:15:54
24	Q Okay. What I'm asking is, does a suggestive	11:15:54

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1	lineup turn on the misconduct of a police officer,	11:15:58
2	or could you have a suggestive lineup that does	11:16:01
3	not involve misconduct?	11:16:03
4	MS. ROSEN: Object to the form.	11:16:05
5	MR. HORVAT: Object to the form of the	11:16:06
6	question, again, "misconduct."	11:16:08
7	John, you can answer if you understand.	11:16:09
8	A I don't really understand what you're	11:16:10
9	trying to get at; I'm sorry.	11:16:13
10	Q I'm not trying to get at anything. I'm	11:16:13
11	just asking a question. You don't understand the	11:16:14
12	question?	11:16:16
13	A No.	11:16:16
14	Q Okay. What about photo arrays? Were you	11:16:17
15	ever trained on how to -- how police officers	11:16:20
16	should conduct a photo array?	11:16:22
17	A No.	11:16:25
18	MS. ROSEN: Object to the form.	11:16:26
19	Q Would you agree that during your lengthy	11:16:27
20	career as a litigator in the Cook County State's	11:16:29
21	Attorney's Office from time to time defense	11:16:34
22	attorneys might challenge a photo array?	11:16:35
23	A Yes, there were instances where they	11:16:40
24	challenged photo arrays.	11:16:41

1 Q And were you called upon to defend a 11:16:41
2 particular photo array? 11:16:45

3 MS. ROSEN: Object to the form. 11:16:50

4 A Yes. 11:16:51

5 Q And do you have any understanding about 11:16:51
6 what are the best practices for conducting photo 11:16:53
7 arrays? 11:16:59

8 MS. ROSEN: Object to the form. At what 11:17:01
9 point in time over his lengthy career since best 11:17:03
10 practices change over time? 11:17:07

11 MS. BONJEAN: That's true. I'll lay some 11:17:09
12 better foundation. 11:17:10

13 Q What I'm trying to understand is at any 11:17:10
14 point during your career did you get -- how did 11:17:13
15 you learn about whether or not a particular photo 11:17:15
16 array was, again, done in accordance with generally 11:17:18
17 accepted standards in the law enforcement 11:17:25
18 community? 11:17:27

19 A I wasn't familiar with what generally 11:17:27
20 accepted practices were within the law enforcement 11:17:31
21 community because I wasn't part of law enforcement. 11:17:33

22 Q Okay. But would you agree that throughout 11:17:37
23 your career you were at times called upon to defend 11:17:39
24 whether or not a particular photo array was proper? 11:17:45

1 A There were motions that were filed by
2 attorneys representing people charged with crimes
3 who would file a motion to suppress an
4 identification. They would argue that the way the
5 photo array was presented wasn't, you know,
6 accurate in terms of, you know, one person stood
7 out more than the other four or five photos that
8 were in there. Things like that, yeah, I saw
9 motions along those lines.

10 Q Okay. And did you have any training in
11 determining whether or not there was any validity
12 to these arguments?

13 A No, I had no training in that. I looked
14 at case law because obviously case law you would
15 see examples of what constitutes suggestive photo
16 arrays and instances where allegations were made,
17 and motions were denied, and courts affirmed the
18 denial of those motions. So I would look at
19 examples in previous cases that had been litigated.

20 Q Okay. So you look at case law regarding
21 that, but what about, for instance -- whether or
22 not, for instance, photo arrays should be conducted
23 one picture at a time or in six-packs?

24 MS. ROSEN: Object to the form --

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1	A I was never instructed on that, no.	11:18:51
2	MS. ROSEN: -- there's no foundation as	11:18:53
3	to time.	11:18:55
4	Q I'm talking throughout your career. Were	11:18:56
5	you ever trained on any of these concepts? That's	11:18:59
6	all I'm asking.	11:19:02
7	A No.	11:19:03
8	Q Okay. And with the live lineup situation,	11:19:03
9	as well, you were never trained on what constituted	11:19:07
10	a sound or constitutionally sound live lineup; right?	11:19:11
11	A No. I was never at a live lineup.	11:19:15
12	Q When you were in felony review, was it your	11:19:34
13	practice to interview witnesses in the presence of	11:19:36
14	a detective. Not his practice to interview witnesses in presence of det.	11:19:38
15	A No. I would not interview witnesses in	11:19:39
16	the presence of a detective.	11:19:42
17	Q Okay. And when you were memorializing a	11:19:43
18	witness' statement to paper, did you do that -- or	11:19:47
19	was it your practice to do that in the presence of	11:19:51
20	a detective?	11:19:53
21	A Yes.	11:19:53
22	Q And what about with respect to suspects?	11:19:54
23	When you were in felony review, was it your	11:20:03
24	practice to interview suspects in the presence of	11:20:06

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1	a detective?	11:20:07
2	A Typically no.	11:20:09
3	Q Okay. When you -- if you -- when you were	11:20:12
4	in a position where you wanted to memorialize a	11:20:18
5	suspect's statement to paper, did you do that in	11:20:22
6	the presence of a detective?	11:20:25
7	A Yes.	11:20:26
8	Q How did you determine -- well, strike that.	11:20:27
9	Would you agree that as a felony review	11:20:34
10	assistant, you wanted to ensure that a suspect had	11:20:36
11	been treated fairly and professionally by the	11:20:39
12	police?	11:20:44
13	MR. HORVAT: I'm going to object to the	11:20:46
14	form of the question.	11:20:48
15	You can answer it if you understand.	11:20:49
16	Are you asking before his arrival or while	11:20:54
17	he's present?	11:20:58
18	MS. BONJEAN: I mean, the question speaks	11:21:00
19	for itself. If he doesn't answer then I'll -- or	11:21:03
20	doesn't understand it --	11:21:03
21	MS. ROSEN: Object to the form.	11:21:04
22	A I wanted to ensure that they were treated	11:21:05
23	fairly.	11:21:08
24	Q Okay. So when you arrived at a particular	11:21:08

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1 police department, one of your goals or 11:21:11
2 responsibilities in your mind was to ensure that a 11:21:15
3 particular suspect that you might be interviewing 11:21:18
4 was, in fact, not mistreated by a police officer; 11:21:20
5 right? 11:21:23

6 A Yes. 11:21:24

7 Q Okay. And would that be true of witnesses, 11:21:24
8 as well? 11:21:26

9 A Yes. 11:21:27

10 Q And how did you go about determining whether 11:21:27
11 a witness or a suspect had been treated 11:21:30
12 professionally by the police officers who had 11:21:32
13 interacted with him or her prior to your arrival? 11:21:38

14 A I would speak with them alone typically in 11:21:41
15 the interview room. I'd close the door, and I'd 11:21:44
16 ask them if they had any complaint about their 11:21:47
17 treatment since they'd been at the police station. 11:21:50

18 Q Okay. Can you -- can you recollect any 11:21:53
19 time when you were assigned as an assistant to the 11:22:01
20 felony review unit where a suspect told you that 11:22:03
21 they had been mistreated by a police officer? 11:22:08

22 A No, I don't recall an instance. 11:22:11

23 Q So in your time in felony review, you 11:22:14
24 can't recall a single instance where a suspect told 11:22:16

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1 you, "I was mistreated by a police officer prior
2 to you arriving, Mr. Dillon"?

3 MR. HORVAT: Objection; asked and
4 answered.

5 A That's correct.

6 Q Okay. And I'll ask the same question with
7 respect to a witness. Can you recall a single
8 incident in your time in felony review where a
9 witness told you, "Prior to your arrival, I was
10 not treated fairly" or "professionally," or
11 something along those lines by the Chicago police
12 officers?

13 A I don't recall that.

14 Q Can you identify a single time where you
15 declined to take a statement from a suspect because
16 you were not convinced that that suspect had been
17 treated fairly, and appropriately, and professionally
18 by the Chicago police officers prior to your
19 arrival?

20 A I don't recall an instance.

21 Q And can you recall a single instance where
22 you declined to take a witness statement, a
23 handwritten witness statement because you were not
24 convinced that that witness had been treated

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1 professionally, appropriately by the Chicago
2 police officers?

3 A No, but, again, I would only take a
4 statement from either a witness or defendant if
5 they agreed to give one. So if they said they
6 weren't going to give a statement, then I didn't
7 take a statement from them.

8 Q Okay. So as long as a suspect or a witness
9 told you in that moment that they were willing to
10 give it, you were willing to take it; is that fair?

11 A If they agreed that they would give a
12 statement, then yes, I would take it.

13 Q Did you ever have -- did you ever have an
14 occasion where you were concerned that they might
15 only be agreeing because they were fearful of
16 police officers?

17 A No.

18 Q Okay. You've certainly heard of -- well,
19 strike that.

20 You're aware that in your course of
21 litigating cases and murder cases that there are
22 times when an accused will allege that, you know,
23 they gave a statement to the State's Attorney
24 because they were fearful about the consequences

1 of not doing so; correct?

11:24:21

2 A That's pretty true in every single murder
3 case where a defendant makes a statement that they
4 allege some type of police misconduct. That's
5 what my experience has shown me.

11:24:22

11:24:25

11:24:25

11:24:28

6 Q So your experience is that in nearly all
7 of the murder cases you've prosecuted a suspect
8 alleges police misconduct in -- strike that. Let
9 me back up.

11:24:28

11:24:32

11:24:35

11:24:39

10 Your testimony is that in your career as a
11 prosecutor, in nearly all cases where an
12 individual, an accused makes a confession or an
13 inculpatory statement, they generally accuse the
14 police of misconduct?

11:24:40

11:24:43

11:24:47

11:24:50

11:24:53

15 A That's correct.

11:24:55

16 Q Can you estimate how many times in the
17 course of your career you've prosecuted a case
18 where a defendant has made an inculpatory
19 statement?

11:24:56

11:25:01

11:25:03

11:25:07

20 A Hundreds.

11:25:07

21 Q And what percentage of those hundreds would
22 you say they made an allegation of police
23 misconduct? Are we in the 90s? 95, 99?

11:25:09

11:25:15

11:25:18

24 A Well, it would depend because of all the

11:25:20

1	cases I tried there weren't always confessions.	11:25:22
2	Q I'm talking about those where there were	11:25:25
3	inculpatory statements.	11:25:28
4	A If there's an inculpatory statement and	11:25:30
5	they gave a confession, in almost all instances	11:25:31
6	they would allege some type of police misconduct.	11:25:32
7	Q Okay. So you don't give a lot of -- you	11:25:36
8	didn't give a lot of weight to someone just	11:25:36
9	alleging that they had -- that there was police	11:25:38
10	misconduct since you saw it pretty routinely; right?	11:25:41
11	A That's --	11:25:44
12	MR. HORVAT: I'm going to object --	11:25:44
13	A -- not true.	11:25:44
14	MR. HORVAT: -- to the form of the question.	11:25:46
15	Q Okay. Well, when -- in what circumstances --	11:25:47
16	well, let's back up a second. I want to go back	11:25:52
17	to felony -- your felony review days for a moment.	11:25:55
18	Okay? Did you see your role in felony review to	11:26:00
19	ensure that the statement that you were taking was	11:26:05
20	voluntarily, and intelligently, and knowingly being	11:26:09
21	given to you?	11:26:12
22	A If the person was agreeing to give a	11:26:12
23	statement, yes.	11:26:14
24	Q Okay. In your mind, again, if someone was	11:26:15

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1 agreeing, did that automatically mean the 11:26:21
2 statement was voluntary? 11:26:25

3 MR. HORVAT: Object to the form of the 11:26:26
4 question. 11:26:28

5 You can answer if you understand. 11:26:30

6 A I'd ask them, "Are you willing to give me 11:26:31
7 a memorialized statement," and explain to them the 11:26:34
8 differences. If their answer was, "Yes, I am," 11:26:37
9 then I would take the statement. 11:26:40

10 Q And that's my question. If they agreed to 11:26:41
11 give you a statement, in your mind, that meant the 11:26:42
12 statement was voluntary? 11:26:44

13 A Yes, because they told me they would give it. 11:26:45

14 Q Okay. As long as they told you that they 11:26:48
15 would give a statement, in your mind that made it 11:26:51
16 a voluntary statement? 11:26:53

17 MS. ROSEN: Objection; asked and answered. 11:26:55

18 A Yes. In addition to if I was satisfied 11:26:57
19 that, in fact, it was being voluntary. 11:27:00

20 Q Okay. That's the part that -- how else 11:27:01
21 would you ensure in your mind that the statement 11:27:02
22 was, in fact, voluntary? 11:27:04

23 A If I saw any injuries on the person, if I 11:27:05
24 saw any blood on their clothing, if I saw any 11:27:10

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1	you had to call a supervisor to let the supervisor	11:28:09
2	know that it was your concern that a witness had	11:28:12
3	been mistreated by the police?	11:28:17
4	A I don't recall that but I wouldn't need a	11:28:18
5	supervisor to tell me whether or not I should take	11:28:20
6	it. If I'm satisfied that there was something	11:28:22
7	inappropriate, then I wouldn't take the statement.	11:28:24
8	Q In your career do you know how many	11:28:27
9	statements you've taken from suspects in murder	11:28:39
10	cases? I'm going outside now the felony review	11:28:41
11	days, but do you have an idea of how many	11:28:45
12	statements you've taken?	11:28:48
13	A Well, the only statements I would have	11:28:48
14	taken would have been in an assignment of felony	11:28:50
15	review.	11:28:54
16	Q Okay.	11:28:54
17	A I don't recall.	11:28:56
18	Q Is it dozens or hundreds?	11:28:59
19	MR. HORVAT: Objection; speculation.	11:29:05
20	You can answer if you know.	11:29:07
21	A I don't think it would be hundreds. Dozens	11:29:10
22	maybe.	11:29:17
23	Q Okay. And when you were called upon to	11:29:17
24	take the statement of a suspect as a felony review	11:29:28

1 assistant, were there occasions where you were 11:29:32
2 permitted to offer some type of benefit to a 11:29:37
3 suspect? 11:29:40

4 MS. ROSEN: Object to the form. 11:29:40

5 MR. HORVAT: Object to the form of the 11:29:42
6 question. **Benefits** 11:29:44

7 You can answer if you understand. 11:29:45

8 A No. 11:29:47

9 Q There were not occasions where you were 11:29:47
10 authorized to do so, or you don't remember ever 11:29:49
11 having done that? 11:29:50

12 A I never did that. 11:29:50

13 Q Okay. You know what I mean by "benefits"; 11:29:51
14 right? 11:29:53

15 A Yes. 11:29:53

16 Q And by "benefit," I mean any -- any 11:29:53
17 benefit that might be appealing to a suspect or a 11:29:58
18 witness. Okay? 11:30:04

19 MS. ROSEN: Object to the form. 11:30:06

20 Q Anything from sentencing leniency to -- I 11:30:07
21 don't know; it could be any number of things. Okay? 11:30:11
22 But as you sit here today, you can't remember a 11:30:14
23 time when you ever offered benefit to a witness or 11:30:16
24 a suspect; correct? 11:30:18

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1	A I'm telling you --	11:30:19
2	MS. ROSEN: Object to the form.	11:30:20
3	A -- there never was a time.	11:30:23
4	Q Okay. As a matter of discretion, were you	11:30:24
5	permitted to do so if you wanted to?	11:30:27
6	A No.	11:30:28
7	Q Okay. So if you -- if you -- for instance,	11:30:29
8	if there was an individual you were interviewing	11:30:32
9	who was -- could be a witness or, you know,	11:30:35
10	theoretically could have been charged, were you	11:30:39
11	able to make those types of decisions about	11:30:42
12	whether you were going to use them as a witness or	11:30:43
13	use them as -- or charge them?	11:30:47
14	MS. ROSEN: Object to the form.	11:30:48
15	MR. HORVAT: Object to the form.	11:30:49
16	You can answer if you understand.	11:30:50
17	A No.	11:30:51
18	Q Do you understand what I mean?	11:30:52
19	A I believe I do.	11:30:54
20	Q Okay. The attorneys seem confused. Let	11:30:56
21	me back up.	11:30:58
22	There are times when you're interviewing	11:31:00
23	witnesses at the police station that have some	11:31:02
24	involvement in a crime, and you may be called upon	11:31:05

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1	to determine whether they are truly a witness or	11:31:09
2	whether they're actually involved in a crime; right?	11:31:11
3	A No.	11:31:13
4	Q No what? That didn't happen?	11:31:14
5	A No, that's not correct.	11:31:16
6	Q Okay. Would you agree that sometimes it's	11:31:18
7	not always clear whether someone is a witness or	11:31:19
8	should be charged?	11:31:21
9	MS. ROSEN: Object to the form.	11:31:23
10	MR. HORVAT: Object to the form,	11:31:24
11	foundation.	11:31:27
12	A The police would contact us seeking felony	11:31:27
13	charges against an individual.	11:31:30
14	Q Okay.	11:31:31
15	A My responsibilities were not to go out and	11:31:31
16	to decide for the police who they should or should	11:31:33
17	not be seeking charges on.	11:31:37
18	Q Okay. So you didn't respond to the police	11:31:38
19	station unless a police officer said, "We want	11:31:40
20	felony charges on this person"?	11:31:44
21	A Or if they wanted us to come out and take	11:31:47
22	a statement from a witness.	11:31:50
23	Q Okay. So the police were determining	11:31:51
24	whether or not this guy is getting charged, this	11:31:53

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1	guy is a witness? That was decided before you	11:31:56
2	came in and took statements, is that what you're	11:31:58
3	saying?	11:32:01
4	MR. HORVAT: Objection.	11:32:01
5	MS. ROSEN: Object to the form.	11:32:02
6	MR. HORVAT: Objection to form; incomplete	11:32:02
7	hypothetical.	11:32:06
8	John, you can answer if you understand.	11:32:07
9	A I don't understand your question.	11:32:08
10	Q Okay. Can you remember a single occasion	11:32:10
11	where you were asked to respond to one of the	11:32:12
12	areas to take statements from both suspects and	11:32:14
13	witnesses or a suspect and witnesses?	11:32:20
14	A From witnesses, yes. From suspects, no.	11:32:26
15	Q And if a case called for a suspect's	11:32:30
16	statement to be memorialized and witnesses'	11:32:36
17	statements to be memorialized, would that be two	11:32:39
18	separate felony review assistants, or could one	11:32:42
19	felony review assistant handle that?	11:32:44
20	A Yes.	11:32:46
21	Q So that was possible?	11:32:46
22	A Well, again, if the police were seeking	11:32:48
23	charges against someone, then I would go out and	11:32:52
24	again introduce myself to the person, advise them	11:32:56

1 of their rights, and see if they were willing to 11:33:00
2 speak with me. So for the police -- I never ran 11:33:02
3 across an instance where the police called and I 11:33:06
4 got assigned a case with the instructions, "Come 11:33:08
5 out and take a memorialized statement from a 11:33:09
6 person in custody." That never happened. 11:33:13

7 With witnesses, however, there were instances 11:33:15
8 where, for example, a suspect may not be in custody, 11:33:18
9 where there's a witness to a crime who has spoken 11:33:22
10 with the police, and the police would like to have 11:33:26
11 that person's statement memorialized. I would go 11:33:28
12 out, and same thing, I'd interview that person, 11:33:31
13 and if I felt that was something that should be 11:33:34
14 memorialized, and that person was agreeing to have 11:33:36
15 their statement memorialized, then I would take a 11:33:39
16 statement in that instance. 11:33:42

17 Q And, again, in your career as a felony 11:33:43
18 review assistant, you yourself never offered a 11:33:45
19 witness or told a witness that if they provided a 11:33:50
20 statement implicating somebody else they could 11:33:55
21 avoid culpability themselves? 11:33:58

22 MR. HORVAT: Objection, asked and answered. 11:34:01

23 A Absolutely not. 11:34:03

24 Q In your career as a prosecutor and 11:34:04

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1 assigned to the felony review -- strike that.

11:34:05

2 In your assignment as a felony review
3 assistant, did you ever witness a police officer
4 tell a witness that if they cooperated with a
5 particular investigation and inculcated somebody
6 else that they could avoid the culpability?

11:34:06

11:34:08

11:34:13

11:34:18

11:34:21

7 A Never saw that happen, no.

11:34:25

8 Q Did you ever witness officers using any
9 type of trickery in the process of their
10 interrogations of witnesses or suspects?

11:34:32

11:34:35

11:34:43

11 MS. ROSEN: Object to the form.

11:34:46

12 MR. HORVAT: Object to the form of the
13 question, vague.

11:34:48

11:34:50

14 A I have no knowledge because I wasn't with
15 them when they're interrogating someone. So that's
16 beyond the scope of the knowledge I would have.

11:34:51

11:34:54

11:34:57

17 Q So anytime you were with a suspect at
18 felony review you were handling the questioning;
19 is that right?

11:34:58

11:35:00

11:35:01

20 A Yes.

11:35:01

21 Q Okay. And you were not present to observe
22 a police officer handle the questioning of a
23 witness?

11:35:02

11:35:03

11:35:07

24 A That's correct.

11:35:07

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1	Q Did you yourself ever use any form of	11:35:11
2	trickery or manipulation to induce a statement	11:35:14
3	from a witness?	11:35:17
4	MR. HORVAT: Objection to the form of the	11:35:18
5	question.	11:35:19
6	MS. ROSEN: Object to the form.	11:35:19
7	MR. HORVAT: You can answer.	11:35:21
8	A No, ma'am.	11:35:22
9	Q And what about as it relates to suspects?	11:35:22
10	Did you ever use any type of trickery or	11:35:25
11	manipulation in order to secure and inculpatory	11:35:28
12	statement from a suspect?	11:35:32
13	MR. HORVAT: Same objection.	11:35:33
14	A No, ma'am.	11:35:33
15	Q Now, as a felony review prosecutor, did	11:35:36
16	you ever have an occasion to respond to Area 5?	11:35:39
17	A Yes.	11:35:42
18	Q How often?	11:35:42
19	A No more than any of the other areas with	11:35:43
20	the exception, again, of Area 3 and Area 4 which	11:35:55
21	tended when I went through felony review to be the	11:35:59
22	more busy of the other areas.	11:36:03
23	Q Do you think you went there once a week,	11:36:04
24	twice a week? Area 5 I'm talking about.	11:36:08

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1	A	Sometimes I'd go there no times a week;	11:36:11
2		sometimes I might end up being there five or	11:36:16
3		six times a week. It just depends on the	11:36:21
4		assignment that I was assigned and what each area	11:36:23
5		had by way of cases when I was assigned duties.	11:36:28
6	Q	Okay. So there was a range. Some weeks	11:36:29
7		zero; could be as many as six times a week?	11:36:31
8	A	Could be, yes.	11:36:34
9	Q	And whether you're responding to Area 3,	11:36:34
10		or 4, or 5, did you eventually become familiar with	11:36:37
11		the detectives assigned to those particular areas?	11:36:40
12	A	Some of them over time as I got,	11:36:42
13		you know, to know people from my time as a State's	11:36:44
14		Attorney, yes.	11:36:48
15	Q	Okay. For instance, if you responded to	11:36:48
16		Area 5, you might see some of the same detective	11:36:50
17		faces over the course of your six to seven months	11:36:54
18		you were there; right?	11:36:57
19	A	Yes.	11:36:57
20	Q	Okay. I want to ask you about --	11:36:58
21		specifically about Detective Reynaldo Guevara.	11:37:05
22		Do you know when you first met Detective	11:37:09
23		Reynaldo Guevara?	11:37:13
24	A	I don't recall.	11:37:13

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1	Q	Were you an assistant in the felony review	11:37:13
2		division when you first met him?	11:37:15
3	A	I don't recall.	11:37:17
4	Q	Okay. It's possible, though; right?	11:37:19
5	MS. ROSEN:	Object to the form.	11:37:23
6	A	It is possible.	11:37:24
7	Q	What about Ernie Halvorsen? Do you remember	11:37:25
8		when you first met Ernie Halvorsen?	11:37:30
9	A	I don't recall.	11:37:32
10	Q	Possible that you met him when you were an	11:37:33
11		assistant assigned to the felony review division?	11:37:36
12	MS. ROSEN:	Objection to form.	11:37:40
13	MR. HORVAT:	Object to the form.	11:37:41
14		You can answer.	11:37:42
15	A	That's possible, yes.	11:37:43
16	Q	As you sit here today, you don't have a	11:37:44
17		clear memory of either one of those detectives	11:37:44
18		during your days as a felony review assistant?	11:37:48
19	A	No.	11:37:48
20	Q	What about Sergeant Mingey?	11:37:48
21	A	I don't think I've ever met a Sergeant	11:37:52
22		Mingey.	11:37:52
23	Q	Okay. So Sergeant Mingey isn't a name	11:37:54
24		that stands out in your head right now as you	11:37:59

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1	sit here?	11:38:01
2	A No. Because the detectives would be the	11:38:01
3	ones that would contact felony review. The	11:38:03
4	detectives were the ones that we would go out and	11:38:06
5	meet that were investigating a case. I never	11:38:08
6	reviewed a case where a sergeant was involved in	11:38:10
7	either conducting phone review or conducting	11:38:13
8	investigation.	11:38:17
9	Q All right. Now, eventually I think -- I	11:38:17
10	think you said after felony review you became part	11:38:45
11	of the trial division of the Cook County State's	11:38:47
12	Attorney's Office. Right?	11:38:51
13	A Well, after I went through the preliminary	11:38:51
14	hearing unit first.	11:38:53
15	Q Right. And you worked your way up, and	11:38:54
16	then in 1992 you went to gang crimes; right?	11:38:56
17	A Yes.	11:38:58
18	Q Okay. And that was '92 to '94? April of	11:38:59
19	'94 did you say?	11:39:11
20	A April of '94, yes. I'm not sure when in	11:39:11
21	1992, but yes, I believe that's the year I started.	11:39:13
22	Q And then what was the gang crimes unit of	11:39:15
23	the Cook County State's Attorney's Office?	11:39:17
24	A It was a unit -- I would say there were	11:39:19

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1 probably 20 assistant State's attorneys assigned 11:39:23
2 to it, and our responsibilities were to handle 11:39:30
3 gang-related crimes that were committed by gang 11:39:33
4 members. More often than not they were charged 11:39:36
5 with first-degree murder. 11:39:40

6 Q Okay. And when you say "handled," what do 11:39:41
7 you mean "handled"? 11:39:43

8 A Once a case had been charged by felony 11:39:44
9 review, and once a case had come into the 11:39:47
10 preliminary hearing unit, then we could get 11:39:56
11 assigned the case. 11:39:58

12 Q Okay. Did you have any -- any involvement 11:39:59
13 in cases that involved gang crimes prior to the 11:40:03
14 case coming into prelims? 11:40:09

15 A As a felony review assistant, I did. 11:40:15

16 Q And when you were in gang crimes? 11:40:18

17 MS. ROSEN: Object to the form. 11:40:20

18 A I don't understand the question. 11:40:21

19 Q Okay. Sure. When you were assigned to 11:40:22
20 gang crimes -- okay? -- what involvement did you 11:40:25
21 have in a case prior to the case being indicted or 11:40:27
22 formal charges being brought against an accused? 11:40:34

23 A Before formal charges were brought, the 11:40:37
24 felony review assistant could contact an assistant 11:40:43

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1 assigned to the gang crimes unit for any type of 11:40:49
2 direction or assistance they need. And after 11:40:51
3 indictment, no, because you would handle the case 11:40:57
4 yourself. 11:41:03

5 Q And from your experience, what type of 11:41:05
6 things or matters did attorneys from the felony 11:41:08
7 review unit call on attorneys from the gang crimes 11:41:13
8 unit to help with? 11:41:17

9 A They might want to know, for example, what 11:41:19
10 nation a gang was affiliated with, what a gang's 11:41:22
11 colors were, how gangs, you know, represent 11:41:26
12 themselves. 11:41:29

13 So they may be interviewing a witness, and 11:41:31
14 they -- those questions may arise, and they may 11:41:34
15 call us to see if we can offer any assistance 11:41:37
16 to them. 11:41:41

17 Q And did you have a particular expertise as 11:41:41
18 a gang crimes prosecutor on the ins and outs of 11:41:43
19 street gangs? 11:41:48

20 A I wouldn't go so far as to say I have an 11:41:49
21 expertise, but, obviously, the more you did it, 11:41:52
22 the more you became aware of certain things. 11:41:55

23 Q Okay. Such as affiliations? 11:41:57

24 A Nations, colors, violations, yeah, things 11:42:00

Transcript of John Dillon
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1	like that.	11:42:05
2	Q When you were in the unit, the gang crimes	11:42:05
3	unit, who was your supervisor?	11:42:13
4	A The supervisor of the unit was Jack Hines,	11:42:15
5	and the deputy supervisor was Thomas Henlev.	11:42:20
6	Q Okay. So can you just tell me how it was	11:42:24
7	structured? There were -- you said there were	11:42:29
8	about 20 -- 20 assistant State's attorneys	11:42:30
9	assigned?	11:42:34
10	A Approximately.	11:42:35
11	Q There was a deputy supervisor?	11:42:35
12	A Correct.	11:42:36
13	Q And then a supervisor?	11:42:37
14	A Correct.	11:42:38
15	Q And who did the supervisor report to?	11:42:38
16	A The chief of the special prosecutions	11:42:40
17	bureau.	11:42:43
18	Q Okay. And under what State's Attorney in	11:42:44
19	'92 and '94 were you?	11:42:50
20	A I believe it was -- could be Cecil Partee	11:42:55
21	or possibly Jack O'Malley.	11:43:04
22	Q Now, when you were in the gang crimes unit,	11:43:07
23	Matt Coghlan was in the gang crimes unit; right?	11:43:14
24	A For a period of time that I was there, yes.	11:43:17

Transcript of John Dillon
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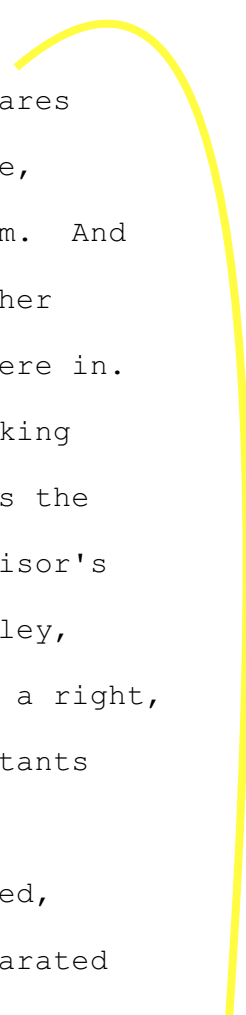
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1	Q	Okay. Do you know whether he was already	11:43:19
2		there when you got there or were you there first?	11:43:20
3	A	I believe I was there first.	11:43:23
4	Q	And then he came in and was he there when	11:43:24
5		you left?	11:43:28
6	A	Yes.	11:43:28
7	Q	Did you ever work with Nick Ford in the	11:43:29
8		gang crimes unit?	11:43:34
9	A	No.	11:43:35
10	Q	What about -- well, Tom Henley was your	11:43:36
11		supervisor?	11:43:39
12	A	Yes.	11:43:39
13	Q	What about Tony Calabrese?	11:43:40
14	A	Tony Calabrese was not in the gang unit	11:43:42
15		when I was in the gang unit.	11:43:45
16	Q	Before you, right?	11:43:47
17	A	I believe so.	11:43:48
18	Q	What about Rick Boykin, was he in the	11:43:48
19		gang unit?	11:43:51
20	A	Again, before I was.	11:43:51
21	Q	Randy Rueckert?	11:43:52
22	A	I believe he was. But, again, it was	11:43:55
23		before my time there.	11:43:57
24	Q	Was Chuck Burn in the gang unit?	11:43:58

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1	A	I don't remember whether he was or not.	11:44:07
2	Q	Okay. Where was the gang crimes unit	11:44:09
3		located specifically?	11:44:16
4	A	On the 13th floor at 26th and California.	11:44:16
5		Part of the 13th floor, not the entire floor.	11:44:21
6	Q	Okay. And can you describe it physically	11:44:24
7		for me?	11:44:26
8	A	The main part of the gang unit -- picture	11:44:27
9		like a square.	11:44:36
10	Q	Okay. Physical descriptions of the offices	11:44:36
11	A	And then on the perimeter of the squares	11:44:37
12		were offices. So there might be like office,	11:44:41
13		office, conference room, office, copier room. And	11:44:43
14		then off of that main square there was another	11:44:48
15		little office that I believe three people were in.	11:44:52
16		Then it was office; then it was windows looking	11:44:55
17		out to the west, I believe. And then it was the	11:44:59
18		supervisor's office, then the deputy supervisor's	11:45:05
19		office, and I shared an office with Tom Henley,	11:45:09
20		and then outside of that main room you made a right,	11:45:12
21		and there was another office that two assistants	11:45:16
22		were in.	11:45:18
23	Q	And these offices, they were contained,	11:45:19
24		meaning you could close the door and be separated	11:45:22



1 from the rest of the general area?

11:45:25

2 A Well, you could close the door, but a lot
3 of them as I recall had like the little glass
4 along the side of the door. So you could like see
5 into the offices.

11:45:27

11:45:29

11:45:31

11:45:34

6 Q Okay. So there was -- but these were not
7 like cubicles? These were actually spaces that
8 could be closed off completely except perhaps if
9 there was a glass that you could look through?

11:45:34

11:45:38

11:45:41

11:45:44

10 A That you could close the door and then the
11 glass, yes.

11:45:46

11:45:49

12 Q And you said there was a conference room,
13 as well?

11:45:49

11:45:53

14 A I believe there were one or two conference
15 rooms, and I believe there was also a copier room.

11:45:53

11:45:56

16 Q And how exactly did you get assigned to a
17 case when you were in the gang crimes unit?

11:46:00

11:46:02

18 A Well, this is typically how we would get
19 cases. First of all, when you'd first come to the
20 gang unit, it was kind of tradition that the
21 assistants who were currently in the gang unit
22 would give you one of their cases. Typically they
23 were probably not the best cases that you'd want
24 to try from a prosecution standpoint.

11:46:05

11:46:08

11:46:15

11:46:17

11:46:19

11:46:23

11:46:25

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1	Then we would take turns being on call for	11:46:28
2	a week at a time, and we were to go down to	11:46:30
3	Branch 66, the homicide section, and see if any	11:46:33
4	new murders had come in that were gang-related.	11:46:38
5	If they were and our case load was such that we	11:46:41
6	could take it, then we would take it.	11:46:44
7	Q So were you actually assigned by your	11:46:46
8	supervisor, or did you sort of pick up cases?	11:46:49
9	A You picked up cases.	11:46:51
10	Q Okay. So you had some discretion to pick	11:46:53
11	and choose cases?	11:46:56
12	A To a certain extent, yes. But, you know,	11:46:57
13	there were also instances where you were told you	11:47:01
14	were assigned a case.	11:47:05
15	Q Okay. So you could get assigned to a case	11:47:05
16	in a number of ways it sounds like.	11:47:07
17	A Well, I would say the primary way is you	11:47:10
18	would pick the case up yourself.	11:47:12
19	Q And how many cases did you handle at any	11:47:14
20	particular time?	11:47:16
21	A Typically 20 to 25.	11:47:17
22	Q And this would be in different courtrooms,	11:47:19
23	not specific --	11:47:21
24	A This would be all over the building, yes.	11:47:22

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Conducted on November 13, 2018

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1 Q Okay. And it sounds like at any given
2 time the gang crimes unit would be handling
3 hundreds of cases. Is that fair?

11:47:25

11:47:33

11:47:37

4 A That's fair.

11:47:39

5 Q And was there more than one prosecutor
6 assigned to a particular case?

11:47:40

11:47:43

7 A No.

11:47:43

8 Q Okay. By the time the case went to trial,
9 there might be another prosecutor that was going
10 to try the case with you; would that be fair to say?

11:47:44

11:47:47

11:47:49

11 A You would typically ask someone in the
12 courtroom where the case was going to go to trial
13 to try it with you.

11:47:52

11:47:54

11:47:57

14 Q Okay. But before the case is sort of set
15 for trial, one prosecutor, one case; is that right?

11:47:58

11:48:01

16 A Yes.

11:48:04

17 Q As a prosecutor in the gang crimes unit,
18 did you ever issue a subpoena to a witness that
19 directed the witness to appear at your offices
20 rather than a courtroom?

11:48:05

11:48:11

11:48:14

11:48:15

21 A Yes.

11:48:16

22 Q Okay. Was that something that was regularly
23 or routinely done in 1992 to 1994?

11:48:19

11:48:22

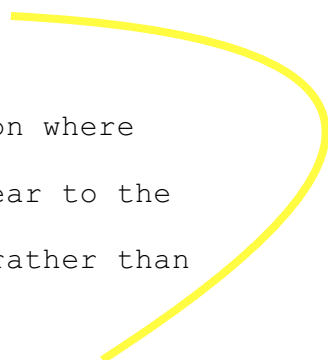
24 A No. I don't think so.

11:48:27

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1	Q And what gave you authority to do that?	11:48:29
2	A Well, we would issue a subpoena to the	11:48:34
3	courtroom, and we'd ask -- and the subpoena would	11:48:38
4	ask the witness to contact the person sending the	11:48:39
5	subpoena. Typically they would and we'd ask them	11:48:41
6	if they'd be willing to come to our office and	11:48:44
7	meet with us.	11:48:47
8	Q Okay. So there were occasions where you	11:48:47
9	issued a subpoena to a witness to appear in the	11:48:50
10	courtroom but then ask them to come up to the	11:48:52
11	State's Attorney's Office?	11:48:55
12	A Correct.	11:48:55
13	Q Okay. Was there ever an occasion where	11:48:56
14	you actually directed a witness to appear to the	11:48:59
15	Cook County State's Attorney's Office rather than	11:49:01
16	the courtroom?	11:49:03
17	A No.	11:49:04
18	Q Did you ever issue subpoenas to witnesses	11:49:04
19	for nonhearing dates?	11:49:07
20	A No.	11:49:10
21	Q So anytime that you issued a subpoena to a	11:49:10
22	witness it was on a date in which the case was up	11:49:14
23	in court?	11:49:16
24	A Typically. Except, you know, once I might	11:49:17



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1	have met someone and had spoken with them	11:49:19
2	previously, I might have contacted them on the	11:49:22
3	phone and asked them if they could come in to	11:49:24
4	speak with me.	11:49:27
5	Q Okay. Let me ask it this way: Was there	11:49:28
6	ever an occasion where you issued a subpoena to a	11:49:31
7	witness to appear on a date where you were not	11:49:33
8	expecting to take their testimony?	11:49:35
9	A No.	11:49:38
10	Q So anytime you would have issued a subpoena	11:49:39
11	it would be because that witness was there to	11:49:41
12	testify?	11:49:44
13	A It was because the case was up in court.	11:49:46
14	Q Okay. But sometimes you just get a	11:49:48
15	continuance, right, in court?	11:49:52
16	A Sometimes.	11:49:54
17	Q You wouldn't -- that's what I'm asking.	11:49:55
18	Let me ask it this way: Did you ever subpoena a	11:49:57
19	witness to appear in court on a date where there	11:50:02
20	was no hearing scheduled? And when I mean hearing,	11:50:05
21	I mean somebody hitting the stand.	11:50:08
22	A I don't --	11:50:10
23	MS. ROSEN: Object to the form of the	11:50:10
24	question.	11:50:11

1 A -- recall. 11:50:11

2 Q I'm sorry? 11:50:12

3 A I don't recall. 11:50:13

4 Q Okay. Did you believe that you had the 11:50:13

5 discretion to subpoena witnesses to appear in 11:50:15

6 court on days when there was no hearing set? 11:50:20

7 MS. ROSEN: Object to the form. What do 11:50:25

8 you mean by "hearing"? 11:50:28

9 A I don't understand your question. 11:50:29

10 Q Okay. Let me -- let me be clear. 11:50:31

11 Did you ever issue a subpoena to a witness 11:50:35

12 to appear in court on a date when their testimony 11:50:38

13 was not expected to be given in that courtroom? 11:50:41

14 A No. 11:50:45

15 Q Okay. So every single time you issued a 11:50:46

16 subpoena to a witness was when that witness was 11:50:49

17 being called to testify at a hearing or some other 11:50:52

18 type of trial or something like that? 11:50:54

19 A Expected -- 11:50:55

20 MS. ROSEN: Object to the form. 11:50:59

21 A -- yes. 11:51:00

22 Q I understand sometimes that didn't happen. 11:51:01

23 A Right. 11:51:01

24 Q But anytime you issued a subpoena, it 11:51:04

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1	would have been for a date on which they would	11:51:06
2	testify?	11:51:08
3	MS. ROSEN: Object to the --	11:51:10
4	A That I was expecting, yes.	11:51:10
5	MS. ROSEN: -- form.	11:51:14
6	MS. BONJEAN: He still answered, so. . .	11:51:16
7	MS. ROSEN: I'm still making my	11:51:18
8	objection so. . .	11:51:20
9	MS. BONJEAN: You are at liberty to do so.	11:51:21
10	Q Did you ever try any cases with Matt Coghlan?	11:51:23
11	A No.	11:51:28
12	Q In your days as a gang crimes prosecutor,	11:51:29
13	can you recollect any occasion where you offered a	11:51:39
14	benefit to a witness in exchange for his testimony?	11:51:41
15	MS. ROSEN: Object to the form.	11:51:45
16	A No.	11:51:56
17	Q And by "benefit," I mean anything such as	11:51:57
18	sentencing leniency or some type of perk in the	11:52:03
19	jail if you had the ability to give that.	11:52:09
20	MS. ROSEN: Object to the form.	11:52:11
21	A Yes. I remember an instance.	11:52:12
22	Q Okay. Tell me about that instance.	11:52:15
23	A That would be with Francisco Vicente.	11:52:18
24	Q Okay. We'll get to Francisco Vicente.	11:52:21

1 But apart from Francisco Vicente, were there any 11:52:22
2 other occasions in your time as a gang crimes 11:52:24
3 prosecutor where you offered any type of benefit 11:52:27
4 to a witness in exchange for his or her testimony? 11:52:30

5 A No. 11:52:33

6 Q Do you know how many cases you tried as a 11:52:40
7 gang crimes prosecutor? You must have some idea. 11:52:44

8 MS. ROSEN: Object to the form. 11:52:48

9 A Maybe 20, 30. 11:52:50

10 Q And do you know how many cases you handled 11:53:02
11 as a gang crimes prosecutor? 11:53:04

12 A I don't recall. 11:53:08

13 MS. ROSEN: Object to the form. 11:53:09

14 Q And when I say "handled," I mean not just 11:53:10
15 tried but maybe -- 11:53:14

16 A I understand. 11:53:14

17 Q -- resolved by way of guilty plea or 11:53:15
18 something of that nature. 11:53:18

19 A I don't recall. 11:53:19

20 Q Now, did your office provide any training 11:53:19
21 or guidance on what was expected of you if you 11:53:22
22 were to offer a benefit to a witness in exchange 11:53:26
23 for his or her testimony? 11:53:30

24 MS. ROSEN: Object to the form. 11:53:33

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1	A No.	11:53:34
2	Q For instance, were you required or	11:53:35
3	obligated in any way to memorialize that benefit	11:53:40
4	on a report, or a memo, or something of that nature?	11:53:43
5	A No.	11:53:46
6	MS. ROSEN: Object to the form.	11:53:47
7	Q How did you decide whether or not you were	11:53:48
8	going to -- well, strike that.	11:54:00
9	Let me ask it this way: Did you have	11:54:03
10	discretion to decide whether or not you were going	11:54:05
11	to offer a witness a benefit in exchange for his	11:54:07
12	or her testimony?	11:54:10
13	MS. ROSEN: Object to the form.	11:54:11
14	A Given that it only happened once, no.	11:54:12
15	Q Okay. So you didn't have -- did you have	11:54:19
16	to go to your supervisor to get approval or anything	11:54:21
17	of that nature?	11:54:24
18	A Not that I recall.	11:54:31
19	Q What is a case fact sheet?	11:54:32
20	A A case fact sheet is a summary of the	11:54:38
21	facts as written by an assistant in the felony	11:54:45
22	review unit.	11:54:47
23	Q It's something that's written by the	11:54:48
24	felony review?	11:54:50

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1	A Right. In your folder you would write a	11:54:51
2	summary of what the facts were involving a	11:54:54
3	particular case.	11:54:55
4	Q Okay.	11:54:56
5	A Those subsequently were typed by	11:54:57
6	secretaries, and that was the case fact sheet.	11:54:59
7	Q Okay. Tell me all the documents that went	11:55:02
8	into a felony review file.	11:55:04
9	A Well, the only document was the felony	11:55:07
10	review folder, and then if the police provided any	11:55:11
11	reports or anything along those lines, statements	11:55:15
12	while you were at the station reviewing the case,	11:55:21
13	you would attach those and make those part of the	11:55:23
14	felony review folder.	11:55:25
15	Q Okay. And this case fact sheet, was the	11:55:26
16	handwritten summary included in the felony review	11:55:32
17	folder?	11:55:36
18	A The handwritten --	11:55:36
19	MS. ROSEN: Object to the form.	11:55:39
20	A -- summary was in the felony review folder.	11:55:40
21	Q Okay.	11:55:40
22	A And the case fact sheet was generated after	11:55:42
23	the summary was made by the assistant in felony	11:55:46
24	review.	11:55:47

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1	Q Okay. Just so I understand, in the felony	11:55:47
2	review folder you would have any police reports	11:55:50
3	that were generated provided by the police; correct?	11:55:52
4	A Correct.	11:55:54
5	Q Any handwritten statements or any	11:55:55
6	statements that were made and memorialized by the	11:55:57
7	prosecutor?	11:56:02
8	A That's correct.	11:56:02
9	MS. ROSEN: Object to the form.	11:56:03
10	Q Any notes or summaries that the prosecutor	11:56:04
11	might make would go in that file?	11:56:08
12	A Again, the summary, if you look at a blank	11:56:10
13	felony review folder, it lists incident, and you	11:56:14
14	have to write down the date of the incident, the	11:56:18
15	time that it occurred, the location, and then you	11:56:20
16	write a summary of what the facts were of that case.	11:56:22
17	Q All right. So this folder, it sounds	11:56:25
18	like -- it's preprinted?	11:56:28
19	A Certain aspects of it are preprinted, yes.	11:56:29
20	Q Okay. And is it actually a folder?	11:56:35
21	A Yes.	11:56:40
22	Q Okay. And so you would fill it in on the	11:56:40
23	folder itself; right?	11:56:42
24	A Correct.	11:56:43

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1 Q All right. That's what I'm asking. And 11:56:44
2 then from that support staff would -- 11:56:45

3 A Yeah. There's basically -- inside the 11:56:48
4 felony review folder there's a white sheet and a 11:56:51
5 yellow sheet. It's like carbon paper. 11:56:54

6 Q Okay. 11:56:57

7 A So you would write on that white sheet, and 11:56:58
8 it would also go on the yellow sheet underneath 11:57:00
9 it, and it would also go on the folder underneath it. 11:57:03

10 When you were done with your shift, you 11:57:06
11 would separate the white portion of the file, and 11:57:08
12 you'd stick it in for the receptionist, and they 11:57:11
13 would type that information into a computer system. 11:57:15

14 The actual file itself was used because on 11:57:18
15 the other side of it you would put the entries 11:57:21
16 when you were in the preliminary hearing courtroom. 11:57:24

17 Q Okay. And then eventually, when it came 11:57:28
18 to -- if it was a gang case, eventually it -- the 11:57:29
19 gang crimes prosecutor would get all of this 11:57:32
20 information; right? 11:57:34

21 A Any assistant getting the case would get 11:57:35
22 that information. 11:57:37

23 Q Okay. I want to specifically hone in on 11:57:37
24 the early '90s between, I guess '90 to '94, '92 is 11:57:50

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Conducted on November 13, 2018

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1 when you were in the gang crimes unit. As a
2 prosecutor, did occasions ever arise where you
3 wanted to interview a detainee? And when I say
4 "detainee," I mean someone who is being detained
5 in the Cook County Department of Corrections.

6 A Yes.

7 Q Okay. And if you wanted to interview a
8 detainee, how would you make that happen?

9 A If it was someone in Cook County jail,
10 there would be an investigator request slip, and
11 you would fill that out, and you would make the
12 request to arrange to have them be able to be
13 interviewed.

14 Q I'm sorry; what was the name of that form
15 that you --

16 A An investigator request slip.

17 Q An investigator request slip?

18 A Yes.

19 Q Okay. And what information went on an
20 investigator request slip?

21 A The name of the person, their IR number,
22 their CID number. You would then provide
23 information, their race, their sex, their date of
24 birth, any features identifying that person,

11:57:54

11:57:58

11:58:01

11:58:03

11:58:05

11:58:06

11:58:07

11:58:12

11:58:21

11:58:24

11:58:29

11:58:32

11:58:38

11:58:39

11:58:41

11:58:41

11:58:43

11:58:45

11:58:45

11:58:50

11:58:52

11:58:57

11:59:03

11:59:08

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1 including their Cook County jail number.

11:59:11

2 Q Okay. And once you completed the
3 investigator request slip, what about you do
4 with it?

11:59:15

11:59:17

11:59:19

5 A I believe it was served on the jail, and
6 then the jail would make the person available to
7 be transported to be interviewed.

11:59:20

11:59:23

11:59:29

8 Q Did you as the prosecutor serve it on the
9 jail, or did you actually have an investigator do
10 that? Is that why it's called an investigator
11 request slip?

11:59:31

11:59:42

11:59:43

11:59:46

12 A An investigator request slip is for anything
13 you request an investigator to do.

11:59:46

11:59:48

14 Q Okay.

11:59:48

15 A And in other instances we would issue a
16 writ to have them brought to a courtroom, and then
17 we'd attempt to interview them in the jury room of
18 the courtroom.

11:59:51

11:59:54

11:59:57

11:59:59

19 Q Okay. So when it came to investigator
20 request slips, did you have to get any approvals
21 in order to request or arrange for the transport
22 of a detainee to be interviewed?

12:00:00

12:00:07

12:00:11

12:00:14

23 A No. Because they were typically already
24 witnesses on a case that we were handling.

12:00:18

12:00:21

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1	Q Well, that may -- that's fine. But I'm	12:00:23
2	just asking, generally speaking, you could fill	12:00:27
3	out an investigator request slip; that slip would	12:00:34
4	go to the jail, and then the jail would make	12:00:36
5	someone available to you; is that right?	12:00:38
6	A Yes.	12:00:39
7	Q Okay. You didn't have to go to a judge and	12:00:40
8	get approval for an investigator request slip; right?	12:00:42
9	A That's correct.	12:00:45
10	Q Okay. And then another way in which you	12:00:45
11	could arrange for the movement of a body was	12:00:48
12	through a writ; right?	12:00:50
13	A Correct.	12:00:51
14	Q Okay. And that is -- and how did that --	12:00:51
15	tell me how that worked.	12:00:54
16	A That was just you would call a department	12:00:57
17	in the State's Attorney's Office, you'd tell them	12:01:01
18	where the person was housed, and you would give	12:01:04
19	them, again, identifying information about the	12:01:06
20	person, and you would ask that they be writted to	12:01:08
21	a courtroom on a particular date, and you'd	12:01:11
22	provide them with the case name, the case number,	12:01:13
23	and your own name, and where you were assigned	12:01:17
24	within the office.	12:01:19

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1	Q And did that generate paper, as well?	12:01:20
2	A I don't know the answer to that question.	12:01:22
3	Q Well, was the writ an actual order?	12:01:24
4	A I mean, I'm assuming someone in our office	12:01:26
5	generated something and sent it to the jail --	12:01:29
6	Q Okay.	12:01:29
7	A -- to bring the person over to the	12:01:31
8	courtroom.	12:01:33
9	Q And how did you decide whether you were	12:01:34
10	going to -- strike that.	12:01:37
11	On the occasions when you wanted to interview	12:01:39
12	a detainee, how did you decide whether you were	12:01:41
13	going to issue a writ or fill out an investigator	12:01:44
14	request slip?	12:01:46
15	A Primarily, it was by writ.	12:01:47
16	Q And did you follow any protocol in --	12:01:53
17	well, strike that.	12:02:13
18	When you wanted to speak with a detainee,	12:02:14
19	did you also ensure that their attorney, whether	12:02:19
20	it was a public defender or a private attorney,	12:02:24
21	was informed?	12:02:28
22	A No.	12:02:29
23	Q Why not?	12:02:30
24	A Because if they requested to have an	12:02:30

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1 attorney, we would contact them, but if they didn't
2 request them, and they agreed to be interviewed,
3 then we would interview them.

4 Q Okay.

5 A I mean, they weren't being interviewed on
6 their cases that they were being detained on; they
7 were being interviewed relative to information as
8 a witness on an investigation or a case that I was
9 entrusted with handling.

10 Q Okay. But you would agree that if you're
11 seeking to interview a detainee, there's a good
12 chance that detainee is represented by a lawyer on
13 some matter?

14 A I would agree with that.

15 Q Okay. And what I'm asking is, did you as
16 a matter of policy, or habit, or custom ensure that
17 their attorney was informed regardless of whether
18 it was the same matter or a different matter that
19 you were seeking to interview the detainee?

20 A If it was a nonrelated matter, they would
21 not be notified.

22 Q Okay. So just so the record is clear,
23 you're testifying that you would not have sought
24 to speak to a detainee on a matter that he was

Transcript of John Dillon
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1	facing charges on; right?	12:03:36
2	A Correct.	12:03:38
3	Q Okay. But if you wanted to speak to a	12:03:38
4	detainee on an unrelated matter --	12:03:40
5	A Unrelated to his charges?	12:03:43
6	Q Correct. If you wanted to speak to a	12:03:45
7	detainee on an matter unrelated to his charges,	12:03:47
8	you would not as a matter of custom reach out to	12:03:51
9	his or her attorney just to ensure that they were	12:03:54
10	aware that you were trying to speak to them; right?	12:03:57
11	A That's correct.	12:03:59
12	Q Did you ever yourself personally go to the	12:04:00
13	jail to interview detainees?	12:04:05
14	A Never.	12:04:07
15	Q Did you ever in your career step foot in	12:04:08
16	Cook County jail?	12:04:14
17	A As an assistant State's Attorney assigned	12:04:15
18	to felony review, yes.	12:04:18
19	Q Okay. Would that be to interview witnesses	12:04:20
20	or how did that -- under what circumstances would	12:04:25
21	you go into the jail?	12:04:28
22	A I had to go into the jail on one occasion	12:04:29
23	where the police were seeking official misconduct	12:04:32
24	charges against a Cook County corrections officer	12:04:35

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1 for sexually assaulting a person who had a pending
2 matter at 26th Street.

3 So as a result of that, I had to go into
4 the jail to interview the alleged victim, and I
5 had to go into the jail to interview the alleged
6 offender.

7 Q Okay. So apart from that one incident --

8 A I've never been in Cook County jail
9 outside of that incident.

10 Q Did you ever interview detainees in
11 judges' courtrooms like in the jury room? I think
12 you said you did.

13 A Yes.

14 Q Okay. What about the lockup? Did you
15 ever go into the lockup?

16 A No.

17 Q Now, if you wanted to speak to a detainee
18 in your office, the gang crimes office, how would
19 you make that happen? Was that through the
20 investigator request slip mostly?

21 A Yeah, I believe so. I think we authored
22 letters that were sent to the jail asking if we'd
23 be allowed to interview them, and they would be
24 transported from the jail to our office.

Transcript of John Dillon
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1	Q These are so-called jail letters; right?	12:05:40
2	MS. ROSEN: Object to the form.	12:05:42
3	A I don't know that there's a term for them,	12:05:44
4	but in effect that's what they were.	12:05:46
5	Q Okay. And you would as a prosecutor draft	12:05:48
6	a letter that let the Cook County Department of	12:05:53
7	Corrections know that you wanted to speak to a	12:05:59
8	detainee; right?	12:06:01
9	A Correct.	12:06:02
10	Q What other -- what other information went	12:06:03
11	into these letters?	12:06:04
12	A I think it was just the date that you	12:06:05
13	wanted to interview them, their identifying	12:06:06
14	information, which, again, would be their Cook	12:06:09
15	County jail identification number and the name of	12:06:12
16	the person.	12:06:16
17	Q Okay. And how would that get sent to the	12:06:16
18	jail? Was it like --	12:06:20
19	A I think it was just sent interoffice mail,	12:06:20
20	something like that.	12:06:23
21	Q All right. And do you know, did it go	12:06:23
22	specifically to a supervisor, or was there a	12:06:25
23	department that handled it?	12:06:27
24	A It was usually directed to like a	12:06:28

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Conducted on November 13, 2018

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1	superintendent or deputy superintendent of the jail.	12:06:31
2	Q Okay. And after you sent that, how did	12:06:33
3	you determine whether or not, A, the detainee was	12:06:35
4	going to be produced and when he or she was going	12:06:39
5	to be produced?	12:06:39
6	A I waited to see if they were produced.	12:06:43
7	Q That's what I'm -- was it arranged or did	12:06:45
8	they just show up? I mean, how did it work after --	12:06:46
9	A They'd just show up. I mean, a deputy	12:06:47
10	would typically bring them over and would show up	12:06:51
11	in our offices with the detainee.	12:06:53
12	Q Okay. So how much time would elapse from	12:06:55
13	the time that you submitted the jail letter?	12:06:58
14	A I would -- I would typically try and do it	12:07:00
15	two, three weeks, four weeks in advance.	12:07:02
16	Q Would you ask for a specific date and time?	12:07:05
17	A Yes.	12:07:07
18	Q Okay. And then you would wait and see if	12:07:08
19	that person showed up; right?	12:07:12
20	A Yes.	12:07:14
21	Q And how did -- how did that detainee get	12:07:15
22	to you?	12:07:17
23	A It would depend. There were some instances	12:07:19
24	where a detainee would end up with me because a	12:07:23

Transcript of John Dillon
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1 jail, Cook County Department of Corrections person 12:07:26
2 would bring him over. There were instances where 12:07:31
3 an investigator from -- assigned to our unit would 12:07:34
4 bring them over. And then in Mr. Vicente's case a 12:07:36
5 detective brought him over. 12:07:43

6 Q So when you say "brought them over," do 12:07:44
7 you know what route they took or how they got to 12:07:46
8 you specifically if they were coming from the Cook 12:07:49
9 County jail? 12:07:51

10 MR. HORVAT: Objection; speculation. 12:07:51

11 A I don't know. 12:07:53

12 Q Do you know whether they were brought in 12:07:54
13 the public elevator banks, or were they brought 12:07:56
14 some back way? 12:08:00

15 MR. HORVAT: Same objection. 12:08:00

16 You can answer if you understand. 12:08:01

17 A I don't know other than I've seen inmates 12:08:02
18 get on the regular elevators that other people get 12:08:05
19 on, but they would typically ask the people not to 12:08:08
20 get on the elevator with them. 12:08:11

21 Q Does the Cook County State's Attorney's 12:08:13
22 Office have elevators -- an elevator bank that is 12:08:15
23 not accessible to the general public? 12:08:17

24 A No. 12:08:21

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Conducted on November 13, 2018

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1	Q So if an inmate was coming from the Cook	12:08:25
2	County jail to the 13th floor of the gang crimes	12:08:28
3	unit, he or she would have to take one of the	12:08:30
4	public elevators?	12:08:32
5	A It's my understanding, yes.	12:08:34
6	Q And I think you testified that an actual	12:08:35
7	Cook County correctional officer could -- might	12:08:48
8	bring the detainee to you under these circumstances,	12:08:51
9	or it's possible that your investigator -- an	12:08:54
10	investigator from the Cook County State's Attorney's	12:08:56
11	Office would retrieve the detainee and bring him	12:08:57
12	or her.	12:09:03
13	A Yes.	12:09:03
14	Q Now, another way you could speak to a	12:09:04
15	detainee is if he or she had a court appearance.	12:09:07
16	Would you say that? Would you agree you could go	12:09:10
17	to a courtroom and speak to him or her?	12:09:12
18	A You could but ideally you wouldn't want to	12:09:15
19	do that.	12:09:20
20	Q Okay. Is there a reason why?	12:09:20
21	A Yeah, because typically they're testifying	12:09:22
22	against someone who is charged with a crime, and	12:09:24
23	typically the people that are in the lockup don't	12:09:27
24	look favorably on people that do that kind of	12:09:30

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1 thing. So if the people that are in the lockup
2 know that they're cooperating with the State's
3 Attorney's Office, that may cause problems for
4 that inmate.

5 Q Well, isn't that the case when you writ
6 someone in and talk to them in a jury room?

7 A Well, first of all, we would writ them
8 into typically a different courtroom than the
9 courtroom in which the matter was pending, and
10 that's, again, in many instances why we try and
11 bring them to our office so the other inmates
12 wouldn't be aware of those things.

13 Q And do you have to get court approval to
14 issue a writ or no?

15 A No. At least at that time you did not.

16 Q So theoretically you could writ a detainee
17 into a courtroom without even letting the judge
18 know that the detainee was being writted into his
19 courtroom; right?

20 A Typically we would let someone know in the
21 courtroom that they were doing that. Because
22 obviously if someone came into their lockup, and
23 they weren't on their call, they wanted to know
24 who is this person, why are they here.

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1	Q Okay. That was more of an informal --	12:10:29
2	A More of a courtesy thing, yes.	12:10:31
3	Q Now, let's -- you mentioned another way in	12:10:33
4	which a detainee could get to you is a Chicago	12:10:37
5	police detective could bring him or her to your	12:10:39
6	offices; is that right?	12:10:43
7	A That happened on the one occasion, yes.	12:10:44
8	Q Did you ever see that happen on any other	12:10:47
9	occasions?	12:10:50
10	A I'm sure I did.	12:10:50
11	Q And how -- how did it work where a Chicago	12:10:52
12	police detective could -- how did -- let me back	12:10:56
13	up a second.	12:11:02
14	If a Chicago police detective was going to	12:11:03
15	bring a detainee to your offices, did you have to	12:11:05
16	put the request in as the prosecutor?	12:11:08
17	A No. The detectives could make a request	12:11:10
18	to writ a person out of the jail, as well.	12:11:12
19	Q Okay. And to whom did the Chicago police	12:11:14
20	officers, detectives request a writ from? Where	12:11:18
21	did they -- where did they enter these requests?	12:11:25
22	MS. NIKOLAEVSKAYA: Objection; basis of	12:11:32
23	knowledge.	12:11:33
24	A At that time I don't know.	12:11:35

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1 Q Okay. So let me first ask you, between
2 1990 and 1994, as you sit here today you don't
3 know how a Chicago police officer could get a body
4 out of the Cook County jail?

5 A In 1994 when I was a deputy supervisor in
6 felony review, part of my responsibilities were if
7 detectives would come up and seek a writ to take
8 someone out of the jail. So I knew from my time
9 as the deputy supervisor in felony review that
10 that was taking place. Those -- that was happening,
11 however, after I had obviously left the gang unit.
12 So I don't know if that was the procedure that was
13 in effect then.

14 Q Okay. Do you have any reason to believe
15 that wasn't the procedure in effect prior to 1994?

16 A No.

17 Q Okay. And so, again, assuming it was the
18 same procedure that you were familiar with from
19 your time as a supervisor, if a Chicago police
20 detective wanted to secure a person from the
21 Cook County jail, to whom would they direct that
22 writ or that request?

23 A To one of the supervisors in the felony
24 review unit.

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1	Q	Okay. And would it be fair to say that if	12:12:55
2		a Chicago police detective made a request to the	12:13:08
3		felony review unit for a writ, it would be similar	12:13:11
4		in information than if you requested a writ for an	12:13:16
5		inmate?	12:13:21
6	MS. CHOJNACKI:	Objection; form.	12:13:22
7	MR. HORVAT:	Objection; speculation.	12:13:22
8	A	I don't know.	12:13:27
9	Q	Okay. So you could request a writ for an	12:13:28
10		detainee; right?	12:13:30
11	A	Yes.	12:13:31
12	Q	And you described how you would do that;	12:13:31
13		right?	12:13:33
14	A	Correct.	12:13:33
15	Q	You would make a request and would provide	12:13:34
16		information; right?	12:13:36
17	A	Correct.	12:13:37
18	Q	Okay. Did that request go to the same	12:13:37
19		place or a different place as it would if a	12:13:39
20		Chicago police officer was making a request for	12:13:43
21		the writ?	12:13:45
22	MR. HORVAT:	Objection; speculation.	12:13:46
23		You can answer if you know.	12:13:47
24	A	If a police officer was requesting a writ,	12:13:49

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1	they would have to go to one of the supervisors in	12:13:51
2	felony review.	12:13:53
3	Q Okay. And then the supervisor in the	12:13:54
4	felony review unit would make the request?	12:13:56
5	A Would either grant that request or deny	12:13:58
6	that request.	12:14:00
7	Q Okay. And if they granted that request,	12:14:01
8	they would call this department that would --	12:14:04
9	A I believe the detective would take the	12:14:07
10	form --	12:14:09
11	Q Okay.	12:14:10
12	A -- and take it and drop it off somewhere	12:14:11
13	at the jail. Where inside the jail they dropped	12:14:14
14	that off, I don't know.	12:14:17
15	Q Okay. And this form that you're referencing,	12:14:18
16	is this the jail letter? Is it the investigative	12:14:21
17	request slip or a writ?	12:14:25
18	A It's just a -- it's just a letter requesting	12:14:26
19	that an inmate be released to the custody of a	12:14:28
20	police officer --	12:14:33
21	Q Okay. And it had to be --	12:14:34
22	A -- on a given date or time, and it had to	12:14:36
23	have been approved by one of the supervisors in	12:14:39
24	felony review.	12:14:41

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1 Q Okay. That's what I was asking. As far
2 as you know, a police officer could not approve
3 his own request?

4 A That's correct.

5 Q Okay.

6 A As far as I know, that's correct.

7 MR. HORVAT: We've been going for about
8 two hours.

9 MS. BONJEAN: Sure.

10 THE VIDEOGRAPHER: We are going off the
11 record. The time is 12:14 p.m.

12 (A recess was taken from 12:14 p.m. to
13 12:23 p.m.)

14 THE VIDEOGRAPHER: We are back on the
15 record. The time is 12:23 p.m.

16 BY MS. BONJEAN:

17 Q Mr. Dillon, I just have a couple questions
18 that I wanted to follow up on this line that we've
19 been talking about.

20 As I understand your testimony, you could
21 not just call up the Cook County jail and say,
22 "Send someone over"; right?

23 A That's correct.

24 Q Okay. There had to be some paper generated

12:14:41

12:14:43

12:14:45

12:14:46

12:14:47

12:14:48

12:14:49

12:14:51

12:14:53

12:14:53

12:14:55

12:14:55

12:20:05

12:20:05

12:23:35

12:23:38

12:23:39

12:23:42

12:23:46

12:23:47

12:23:49

12:23:52

12:23:54

12:23:54

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1	at some point to formally request that a detainee	12:23:58
2	be brought over to the Cook County State's Attorney's	12:24:00
3	Office for an interview; right?	12:24:02
4	A Correct.	12:24:05
5	Q Now, do you know as you sit here today where	12:24:05
6	that paper was maintained or if it was maintained?	12:24:09
7	A I have no knowledge of that.	12:24:14
8	Q When you put in a request for a detainee	12:24:15
9	in your time as a prosecutor, after you filled out	12:24:19
10	the form or wrote the letter, do you know what	12:24:24
11	happened to it?	12:24:27
12	MR. HORVAT: Object to speculation.	12:24:28
13	You can answer if you know.	12:24:31
14	A I don't.	12:24:34
15	Q In other words, did you maintain a copy of	12:24:34
16	it for yourself after you wrote a letter?	12:24:37
17	A I think if I wrote a letter sending it to	12:24:39
18	the jail asking that somebody be brought over, I	12:24:42
19	kept that in my file.	12:24:44
20	Q So you could -- you would keep it in your	12:24:46
21	personal file, is that your --	12:24:48
22	A In my trial file.	12:24:49
23	Q In your trial file?	12:24:50
24	A Yes.	12:24:52

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1 Q Do you -- when you submitted a letter to -- 12:24:52
2 strike that. 12:24:58

3 I just want to make sure I understand. 12:24:59

4 When you did prepare this letter, did you give it 12:25:02
5 to felony review to execute, or was there another 12:25:04
6 department that you would give it to, or did you 12:25:08
7 contact the jail directly yourself? 12:25:10

8 A I think I sent it interoffice mail to the 12:25:12
9 person that the letter was directed to. 12:25:15

10 Q Okay. So there was no intermediary between 12:25:17
11 yourself and the Cook County jail when you requested 12:25:21
12 that a detainee be brought over for the most part? 12:25:23

13 A Correct. 12:25:27

14 Q And you're saying that you believe it was 12:25:28
15 your habit that if you were making this request, 12:25:30
16 you would have kept a copy of the request in your 12:25:34
17 trial file? 12:25:36

18 A While I was assigned to the felony review 12:25:36
19 unit -- I'm sorry -- while I was assigned to the 12:25:39
20 gang crimes unit, yes. 12:25:42

21 Q Okay. And you have no idea what the 12:25:43
22 Cook County jail did with your letter once they 12:25:46
23 received it; is that fair to say? 12:25:48

24 A That's fair to say. 12:25:50

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1 Q Okay. And can you think of any other place 12:25:51
2 in the Cook County State's Attorney's Office that 12:25:54
3 might have a record of the times in which you 12:25:57
4 requested that a detainee be brought over for 12:26:00
5 questioning? 12:26:04

6 MR. HORVAT: Objection; speculation. 12:26:04

7 You can answer, if you know. 12:26:05

8 A No, I don't. 12:26:07

9 Q You would agree, though, that if you were 12:26:08
10 going to have a detainee writted over, you would 12:26:12
11 ask a different department to do that; right? 12:26:15

12 A I could do that. 12:26:18

13 Q You could do that yourself? 12:26:19

14 A Yes. 12:26:21

15 Q Okay. And how did you do that yourself? 12:26:22

16 A There was a writ department in the 12:26:24
17 Cook County State's Attorney's Office. You would 12:26:26
18 contact them over the phone, and you would provide 12:26:28
19 them with the information of the detainee that you 12:26:31
20 wanted to see. They would then in turn give you a 12:26:35
21 writ number, and you would write that writ number 12:26:39
22 on the blue back of your trial file. 12:26:42

23 Q Okay. Then my question may not have been a 12:26:44
24 good one, but that's what I was wondering. There's 12:26:47

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1 an actual writ department that you yourself 12:26:50
2 contacted in the Cook County State's Attorney's 12:26:53
3 Office that would execute this writ and arrange 12:26:57
4 for a detainee to be brought over; right? 12:26:59

~~Writs for attorneys v police~~

5 A Again, while I was in the gang crimes unit. 12:27:01
6 For the police it was different. They had to go 12:27:05
7 to felony review to make a request. 12:27:07

8 Q Right. I think I have it clear now. 12:27:09
9 Thank you. 12:27:13

10 Now, I want to ask you about the Cook 12:27:13
11 County -- oh, strike that. 12:27:16

12 Before we get there, in the gang crimes 12:27:18
13 unit, did you have photographs on the walls of 12:27:21
14 suspects or accused? 12:27:25

15 A I didn't but there were photographs on 12:27:26
16 the walls. 12:27:29

17 Q Okay. And was there a tradition where 12:27:30
18 when someone was convicted the photographs would 12:27:33
19 be turned upside down? 12:27:35

20 A No. 12:27:37

21 Q Okay. Was there a tradition in any way in 12:27:37
22 which the Cook County prosecutor would indicate 12:27:41
23 whether they were able to secure a conviction 12:27:43
24 against an accused to display it in some way? 12:27:47

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1	MR. HORVAT: Objection; form and foundation.	12:27:52
2	What time are we talking about?	12:27:55
3	MS. BONJEAN: When he was -- let me back up.	12:27:57
4	Q I'm talking about your days in the gang	12:27:59
5	crimes unit, which is why I referenced the gang	12:28:02
6	crimes unit in case there was any confusion about	12:28:04
7	that. When you were in the gang crimes unit you	12:28:06
8	admit that some prosecutors displayed photographs	12:28:09
9	of defendants; right?	12:28:13
10	MS. ROSEN: Object to the form.	12:28:15
11	MR. HORVAT: Object to the form.	12:28:17
12	A I wouldn't agree with that. A State's	12:28:20
13	attorney would try a case. If they got a	12:28:24
14	conviction, from time to time some of the support	12:28:28
15	staff would order an enlarged CD photograph or	12:28:30
16	arrest report, and they would put it on the	12:28:35
17	backing, and that would go on the wall.	12:28:37
18	Q So it would just be a photograph of the	12:28:39
19	defendant on the wall?	12:28:41
20	A And then --	12:28:42
21	Q Go ahead.	12:28:43
22	A And underneath it would be what they were	12:28:43
23	convicted of, the case number, and the sentence	12:28:46
24	that they received.	12:28:48

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1 Q Okay. And that photograph that was placed 12:28:49
2 on the wall was not in any way marked? Like there 12:28:52
3 wasn't a marker across it, or turned upside down, 12:28:56
4 or anything of that nature? 12:29:00

5 A No. 12:29:01

6 Q Okay. And it's your testimony that this 12:29:02
7 was something support staff did but that 12:29:04
8 prosecutors didn't do? 12:29:06

9 A That's correct. 12:29:07

10 Q Okay. And did you also sometimes display 12:29:08
11 your cut ties on the walls? 12:29:10

12 A That was only when you won your first jury 12:29:13
13 trial, and nobody's first assignment is the gang 12:29:17
14 unit, so that didn't happen. 12:29:21

15 Q So that wasn't something that was displayed 12:29:23
16 in the gang unit? It might be displayed elsewhere 12:29:25
17 but not in the gang unit? 12:29:28

18 A Correct. 12:29:31

19 MS. ROSEN: Object to the form. 12:29:31

20 Q Did the Cook County State's Attorney's 12:29:32
21 Office have a witness protection program? 12:29:35

22 A No. 12:29:38

23 Q Did it maintain witness quarters? 12:29:42

24 A No. 12:29:46

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1	Q Okay. Was there any area in the Cook County	12:29:47
2	jail that housed witnesses who were going to testify	12:29:53
3	on behalf of the Cook County State's Attorney's	12:29:59
4	Office?	12:30:02
5	A Yes.	12:30:02
6	Q Okay. And what was that called?	12:30:02
7	A The witness quarters.	12:30:04
8	Q Okay. All right. The witness quarters was	12:30:07
9	maintained by whom?	12:30:11
10	A I believe the Cook County jail.	12:30:12
11	Q So the Cook County jail maintained the	12:30:14
12	witness quarters. And how did someone get	12:30:22
13	designated to the witness quarters?	12:30:25
14	A The State's Attorney would have to make a	12:30:28
15	request to their supervisor and basically give	12:30:36
16	reasons why you believed a person belonged in the	12:30:41
17	witness quarters.	12:30:44
18	Q Okay. And was that done in written form?	12:30:44
19	A I believe so.	12:30:50
20	Q So there would be a written request to your	12:30:53
21	supervisor saying, "I believe this witness should	12:30:55
22	be housed in the witness quarters and here is	12:30:57
23	why"; is that fair?	12:31:00
24	A Yes. It would be basically what their	12:31:01

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1	contribution to a case was and why you believed it	12:31:04
2	was essential for their own safety that they be	12:31:10
3	placed in the witness quarters.	12:31:12
4	Q And what were the reasons that a witness	12:31:14
5	would be placed in the witness quarters?	12:31:17
6	A Because there was a fear that they may be	12:31:21
7	harmed or killed in the general population of the	12:31:26
8	jail because of the evidence that they were	12:31:31
9	providing on a prosecution.	12:31:33
10	Q So it was primarily for safety reasons; is	12:31:35
11	that fair to say?	12:31:39
12	A Yes.	12:31:39
13	Q Were there any other reasons why a witness	12:31:40
14	might be designated to the witness quarters that	12:31:42
15	you can think of?	12:31:44
16	A No.	12:31:45
17	Q And where physically were the witness	12:31:46
18	quarters located?	12:31:56
19	A They're in the basement of one of the	12:31:57
20	divisions at Cook County jail.	12:32:01
21	Q Have you ever stepped foot in the witness	12:32:04
22	quarters?	12:32:06
23	A Never.	12:32:06
24	Q And the witness quarters themselves are	12:32:07

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1 housed in the Cook County jail. Were they staffed
2 by Cook County personnel?

3 A My understanding was yes, they were.

4 Q All right. And this -- is it your
5 understanding that the correctional officers were
6 the same types of correctional officers that were
7 assigned to other parts of Cook County jail?

8 MR. HORVAT: Objection; foundation,
9 speculation.

10 You can answer.

11 A That was my understanding.

12 Q So do you have any firsthand knowledge of
13 what these witness quarters look like?

14 MS. ROSEN: Objection.

15 A No.

16 Q So as you sit here today, you couldn't
17 describe them to me; right?

18 A No.

19 Q Do you know how many inmates or detainees
20 the witness quarters could accommodate?

21 A It was small. Maybe 20. It was small.

22 Q Do you know what benefits or perks, if there
23 were any, that a detainee housed in the witness
24 quarters might enjoy?

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1 MR. HORVAT: Objection; foundation,
2 speculation.

3 MS. ROSEN: Object to the form.

4 MR. HORVAT: You can answer, if you know.

5 A None other than something that they may
6 request a State's Attorney to provide them.

7 Q Okay. And in your career what types of
8 requests did you get?

9 A I only had one witness in the witness
10 quarters in my career.

11 Q And let me guess, that's Francisco Vicente?

12 MS. ROSEN: I'm going to object to the
13 form of that question.

14 A That's correct.

15 Q Okay. And do you remember as you sit here
16 today what type of requests Frankie Vicente made
17 to you?

18 A Yes.

19 Q What were they?

20 A He asked for a Walkman, which is, you know,
21 like a radio with ear phones. He asked for some
22 clothing, and I believe we got him a couple of
23 sweat suits, underwear, and socks.

24 Q Anything else?

12:33:36

12:33:38

12:33:38

12:33:41

12:33:48

12:33:51

12:33:55

12:33:57

12:33:58

12:34:01

12:34:02

12:34:07

12:34:09

12:34:10

12:34:12

12:34:15

12:34:21

12:34:21

12:34:22

12:34:23

12:34:27

12:34:33

12:34:36

12:34:44

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1	A That's it.	12:34:45
2	Q And how do you remember that those were	12:34:47
3	the four requests that Frankie Vicente made?	12:34:49
4	A Because in my review of some of the	12:34:55
5	documents that were provided to me after this	12:34:57
6	litigation commenced, in the Iglesias case it was	12:35:02
7	disclosed to the defense that he received a	12:35:08
8	Walkman, two sweat suits, socks, and underwear.	12:35:11
9	Q And when you say "documents," can you be	12:35:18
10	more specific? What documents are --	12:35:21
11	A I believe it was in response to a request	12:35:23
12	by Mr. Iglesias' attorney, and the State wrote --	12:35:25
13	typed that down, and it was tendered as a response	12:35:32
14	to that request.	12:35:35
15	Q Okay. So there's an actual document that --	12:35:36
16	that you're recollecting or that you reviewed that	12:35:42
17	identified these four benefits that were given to	12:35:45
18	Mr. Vicente; right?	12:35:48
19	A That's correct.	12:35:49
20	MS. ROSEN: Object to the form.	12:35:51
21	Q And how did these items, the Walkman, the	12:35:52
22	clothing, the underwear, and the socks get paid for?	12:35:55
23	A Out of the State's Attorney's petty	12:35:59
24	cash fund.	12:36:05

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1 Q Now, when you were using State's Attorney's
2 petty cash fund to purchase items for a witness,
3 did you have to memorialize that?

12:36:05

12:36:07

12:36:12

4 A I didn't purchase those items.

12:36:14

5 Q Okay. Well, how did -- tell me the
6 mechanics. How did it happen where Vicente got
7 these items? Who made the purchases and how did
8 they get memorialized, if you know?

12:36:16

12:36:21

12:36:26

12:36:28

9 MR. HORVAT: Objection; speculation --

12:36:31

10 MS. ROSEN: Object to the form.

12:36:34

11 MR. HORVAT: -- foundation. You can

12:36:36

12 answer if you know.

12:36:36

13 A The inmate, here Vicente, would make the
14 request. If it was something that I deemed was
15 okay, then I would fill out an investigator request
16 slip and ask them to please go and purchase these
17 items.

12:36:36

12:36:42

12:36:45

12:36:49

12:36:51

18 Q Okay. And do you have a recollection of
19 ever filling out an investigator request slip for
20 these four items that Mr. Vicente asked you to
21 provide to him?

12:36:52

12:36:55

12:36:58

12:37:01

22 A I can only answer that as I believe I did.

12:37:02

23 Q Would there have been any other way for
24 you to secure these items for Mr. Vicente other

12:37:05

12:37:08

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1	than filling out an investigator request slip?	12:37:12
2	A No.	12:37:15
3	Q When was the first time you heard the name	12:37:19
4	<u>Francisco or Frankie Vicente or Carlos Morales?</u>	12:37:22
5	A The first time I heard that is when I read	12:37:28
6	it in police reports in the felony review folder.	12:37:33
7	Q Okay. And do you remember where you were	12:37:40
8	when you first read this felony review file that	12:37:43
9	contained the name Frankie Vicente or	12:37:47
10	Carlos Morales?	12:37:51
11	A I believe it was in Branch 66.	12:37:52
12	Q And tell me again what Branch 66 is or	12:37:57
13	what it does?	12:38:00
14	A Branch 66 is the homicide section. So	12:38:01
15	anybody who's charged with first-degree murder,	12:38:05
16	voluntary manslaughter, reckless homicide, or a	12:38:08
17	sex-related offense, their case first goes to	12:38:12
18	Branch 66.	12:38:17
19	The bond hearings are conducted by the	12:38:18
20	assistants there. They're held in Courtroom 101 at	12:38:20
21	26th and California at 12:00 -- or at least they	12:38:24
22	were when I left. And the assistants that were	12:38:27
23	assigned to Branch 66 were typically five assistants	12:38:29
24	and a supervisor, and that's where the felony	12:38:32

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1 review file would first go, and those would be the
2 assistants that would handle those cases. If in
3 custody, they had 30-day terms unless occasioned
4 by the defendant or 60-day terms if they were
5 on bond.

6 Q Okay. And this is where you said earlier
7 you would go to pick up cases sometimes as a
8 prosecutor in the gang crimes unit?

9 A When I was on call on a particular week, I
10 would stick my head in there to see if any new
11 cases came in that had a gang motivation to the
12 crime.

13 Q And would it be fair to say that that was
14 the circumstance under which you first learned of
15 Mr. Vicente is when you were apprised of the
16 Ruvalcaba murder in Branch 66?

17 MR. HORVAT: Objection to speculation,
18 foundation.

19 You can answer if you know.

20 A That's my recollection, yes.

21 Q Okay. So tell me what -- you tell me what
22 you recollect about learning about Frankie Vicente
23 when you were at Branch 66.

24 A My recollection is that I was on call the

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1 week that that case came in, that I went down to
2 Branch 66 and asked, "Are there any new gang-related
3 murders," and that case was brought to my attention.

4 I would have reviewed the felony review
5 folder, and I believe Mr. Vicente's name was in
6 there as a witness, and I familiarized myself with
7 a short summary that the felony review assistant
8 had written when they reviewed the case.

9 Q And were there supplemental police reports
10 in the felony review file at that point?

11 A I don't have an independent recollection
12 of that.

13 MS. BONJEAN: I'm going to hand you what's
14 been -- what's been previously marked as -- did
15 you mark it Coghlan or exhibit --

16 THE COURT REPORTER: Dillon.

17 MS. BONJEAN: I'm sorry; Dillon.

18 (Dillon Deposition Exhibit 5 marked for
19 identification and attached to the transcript.)

20 Q Do you recognize this document?

21 A Yes.

22 Q And what is it?

23 A This is the case fact sheet. And, again,
24 the summary that you see here on the first page,

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1	that was written -- all the information in here	12:41:19
2	was written by the assistant State's Attorney that	12:41:21
3	reviewed the case.	12:41:25
4	Q And when you say "reviewed the case," you	12:41:25
5	mean the felony review assistant?	12:41:27
6	A Yes.	12:41:29
7	Q Okay. And would this document have been	12:41:29
8	in the felony trial folder when you went in to	12:41:32
9	Branch 66 to inquire about gang-related murders	12:41:35
10	coming in?	12:41:38
11	A There was no trial file at that point. I	12:41:38
12	would have drafted the trial file.	12:41:41
13	Q Okay. Let me back up. That was me. I	12:41:42
14	misspoke; I apologize.	12:41:43
15	Would this case fact sheet have been in	12:41:44
16	the felony review file when you stuck your head	12:41:48
17	into Branch 66 to determine whether or not there	12:41:51
18	were any gang-related crimes that had come in there?	12:41:53
19	A No.	12:41:56
20	MR. HORVAT: Objection; speculation.	12:41:57
21	Q It would not have?	12:42:00
22	A These facts were contained in the felony	12:42:01
23	review folder.	12:42:03
24	Q Okay.	12:42:04

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1 A This sheet is generated from the information
2 in the felony review folder. So this particular
3 sheet was not in the folder, but the folder with
4 this information was available to me.

5 Q Okay. Very good. So the substance of
6 what is here would have been contained in the
7 felony review folder when you had an opportunity
8 to review it at Branch 66; is that fair to say?

9 A Yes.

10 Q Okay. Now, after you read the felony review
11 folder in Branch 66, what, if anything, did you do
12 with respect to the Ruvalcaba case or the Bouto case?

13 A I told the assistant who was handling it
14 in the preliminary hearing courtroom, Branch 66,
15 that I was intending on picking up this case.

16 Q All right. Now, would it be fair to say
17 that that communication that you made to the
18 assistant would have been made in the same week
19 that Mr. Bouto was arrested for this crime?

20 MR. HORVAT: Objection; foundation,
21 speculation.

22 You can answer if you recall.

23 A It would have been after Mr. Bouto was
24 charged with first-degree murder for the murder of

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1	Salvador Ruvalcaba.	12:43:47
2	Q Okay. Well, maybe I'm confused. Is it --	12:43:53
3	I thought you testified that -- well, Branch 66 is	12:43:57
4	where the bond hearing would take place; right?	12:44:02
5	A That's one of their responsibilities, yes.	12:44:04
6	Q And you're not suggesting that you	12:44:07
7	necessarily would show up for bond hearings? It	12:44:09
8	would be only after charges were formally placed	12:44:12
9	against an accused?	12:44:16
10	MR. HORVAT: Objection; misstates his	12:44:17
11	testimony.	12:44:19
12	You can answer if you understand.	12:44:21
13	A That's correct.	12:44:22
14	Q All right. Well, we'll get back to that.	12:44:23
15	When did you first meet Francisco Vicente?	12:44:29
16	A <u>On June 2nd of 1993.</u>	12:44:35
17	MR. ENGQUIST: I'm sorry. I didn't	12:44:44
18	hear that.	12:44:46
19	THE WITNESS: June 2nd of 1993.	12:44:47
20	Q And where did you meet Mr. Vicente on	12:44:49
21	June 2nd, 1993?	12:44:51
22	A In the gang unit on the 13th floor of the	12:44:53
23	Cook County State's Attorney's Office.	12:44:56
24	Q And where was Mr. Vicente living at the time	12:44:57

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1	that you met him in the gang unit on June 2nd, 1993?	12:45:00
2	A He was an inmate at the Cook County jail.	12:45:04
3	Q And do you know how it was that Mr. Vicente	12:45:07
4	came -- or found himself in the gang crimes unit	12:45:12
5	of the Cook County State's Attorney's Office on	12:45:15
6	June 2nd, 1993?	12:45:17
7	A Yes.	12:45:18
8	Q How?	12:45:19
9	A I had requested Detective Halvorsen to	12:45:21
10	bring him over to the 13th floor so that I could	12:45:28
11	interview him.	12:45:32
12	Q Okay. And how was it that you requested	12:45:33
13	Detective Halvorsen to bring him over to the gang	12:45:36
14	crimes unit?	12:45:41
15	A I contacted him by phone.	12:45:41
16	Q You requested -- strike that.	12:45:43
17	You called Detective Halvorsen by phone?	12:45:46
18	A It's either I contacted him or he contacted	12:45:51
19	me. I don't recall which of the two it was.	12:45:54
20	Q And do you recall how it was that you	12:45:56
21	arranged for Cook County jail to release him to	12:45:59
22	Detective Halvorsen to bring him over to you?	12:46:05
23	A No, I don't.	12:46:07
24	Q Would you have written one of these jail	12:46:08

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1	letters or --	12:46:12
2	MR. HORVAT: Objection; speculation,	12:46:13
3	foundation.	12:46:16
4	You can answer if you know.	12:46:16
5	A No.	12:46:18
6	Q No what?	12:46:19
7	A No, I was not involved in obtaining	12:46:19
8	whatever document to bring him over the first time.	12:46:22
9	Q Well, we've established that somebody in	12:46:24
10	the Cook County State's Attorney's Office would	12:46:26
11	have had to authorize Mr. Vicente's movement to	12:46:28
12	the Cook County State's Attorney's Office; right?	12:46:35
13	Is that correct?	12:46:36
14	A That's correct.	12:46:36
15	Q And as you sit here today, you're saying	12:46:37
16	that person was not you; is that right?	12:46:39
17	A Yes. That's correct.	12:46:41
18	Q Do you know what the other possibilities	12:46:42
19	are of who it might have been?	12:46:45
20	A The detective could have gone to felony	12:46:47
21	review and requested that a writ be obtained to	12:46:49
22	release Mr. Vicente to the detective.	12:46:53
23	Q Okay. So one possibility is that	12:46:55
24	Detective Halvorsen himself could have gone to	12:46:59

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1	felony review to get a writ to authorize him to	12:47:03
2	bring Mr. Vicente over to the State's Attorney's	12:47:07
3	Office; right?	12:47:09
4	A Correct.	12:47:10
5	Q But you're confident it wasn't you who	12:47:12
6	made that request; is that fair to say?	12:47:14
7	A I don't recall making that request.	12:47:16
8	Q Okay.	12:47:18
9	A That's fair to say.	12:47:19
10	Q You don't recall making it, or you have a	12:47:20
11	specific recollection that you did not make it?	12:47:23
12	MR. HORVAT: Object to the form. I think	12:47:25
13	they're one in the same.	12:47:28
14	But you can answer if you understand.	12:47:29
15	Q Are they one in the same?	12:47:30
16	A I don't believe that I made the	12:47:32
17	arrangements to bring him over because I had never	12:47:34
18	met the person before.	12:47:36
19	Q But you had familiarized yourself with him	12:47:38
20	by virtue of reviewing the felony review folder	12:47:49
21	that you obtained in Branch 66; right?	12:47:53
22	MR. HORVAT: Object to the form of the	12:47:56
23	question.	12:47:57
24	You can answer.	12:48:00

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1	A	It lists his name, his address, his race,	12:48:00
2		whether he's a male or female, his date of birth,	12:48:05
3		his IR number. So no, I didn't really familiarize	12:48:09
4		myself with him, but I read what his involvement	12:48:13
5		was allegedly in this case based on the information	12:48:17
6		contained in this document.	12:48:20
7	Q	Right. And you also said there might --	12:48:21
8		there were typically police reports in the felony	12:48:25
9		review folder, as well; right?	12:48:27
10	A	There were some police reports.	12:48:29
11	Q	Right.	12:48:30
12	A	Because keep in mind that a lot of those	12:48:31
13		police reports aren't drafted until sometime after	12:48:34
14		a person has been charged with a crime. So I	12:48:37
15		believe the Ruvalcaba murder was within a couple	12:48:40
16		weeks of these events taking place, so the vast	12:48:46
17		majority of these police reports hadn't been	12:48:52
18		authored or documented at that point.	12:48:52
19	Q	Okay. But you agree that at least the	12:48:54
20		substance of this case fact sheet was known to you	12:48:56
21		prior to Mr. Vicente coming to your offices on	12:48:59
22		June 2nd, 1993; right?	12:49:02
23	A	That's correct.	12:49:04
24	Q	And one of -- it's reflected in the case	12:49:04

Transcript of John Dillon
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1	fact sheet that Mr. Bouto made a statement against	12:49:11
2	his interest to Frankie Vicente while he was locked	12:49:19
3	up at Area 5; right?	12:49:24
4	A Yes.	12:49:32
5	Q And, in fact, it also indicated that an	12:49:34
6	Edwin Maldonado was detained in Area 5 lockup at	12:49:39
7	the same time, as well; correct?	12:49:45
8	A That's correct.	12:49:46
9	Q And at least the felony review person	12:49:48
10	seemed to suggest that Edwin Maldonado needs to be	12:49:50
11	writtten out of Cook County jail on May 17th to see	12:49:55
12	if he will give a statement regarding what Bouto	12:49:59
13	told Vicente; right?	12:50:03
14	A That's what the case fact sheet suggests.	12:50:06
15	Q Okay. And so you were familiar with these	12:50:09
16	facts prior to June 2nd of 1993?	12:50:12
17	A Yes.	12:50:15
18	Q And as you sit here today, you don't know	12:50:16
19	exactly how Mr. Vicente got to the Cook County	12:50:21
20	State's Attorney's Office; is that fair to say?	12:50:26
21	A No, that's not fair to say.	12:50:27
22	Q Well, you don't -- let me put it this way:	12:50:29
23	As you sit here today, you can't say who authorized	12:50:32
24	Mr. Vicente's movement from the Cook County jail	12:50:36

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1	to the Cook County State's Attorney's Office?	12:50:38
2	A That's correct.	12:50:40
3	Q And you don't know how his movement was	12:50:41
4	authorized; right?	12:50:44
5	A That's correct. I don't recall.	12:50:45
6	Q You don't recall. But it could have	12:50:47
7	been you?	12:50:50
8	MR. HORVAT: Object to speculation,	12:50:50
9	foundation.	12:50:52
10	You can answer.	12:50:52
11	A I don't believe so.	12:50:53
12	Q And what makes you -- what makes you think	12:50:54
13	it wouldn't have been you?	12:50:57
14	A Because I remember having a conversation	12:50:58
15	with Detective Halvorsen, and in that conversation	12:51:05
16	Detective Halvorsen related to me what had	12:51:09
17	transpired with Mr. Vicente and Mr. Bouto's lawyer.	12:51:12
18	And it was a result of that contact that I	12:51:16
19	requested Detective Halvorsen to bring Mr. Vicente	12:51:20
20	to our office for us to interview him because I	12:51:23
21	felt it was essential that that be documented what	12:51:26
22	had transpired allegedly between Mr. Bouto's	12:51:30
23	lawyer and Mr. Vicente.	12:51:33
24	Q Okay. So your recollection is that what	12:51:34

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1	prompted Vicente coming to your office was the	12:51:37
2	report from Detective Halvorsen that there had	12:51:44
3	been some -- we'll call it a communication at this	12:51:47
4	point; we'll get into that -- with Bouto's lawyer	12:51:52
5	at the Cook County jail; right?	12:51:58
6	A That was what Mr. Vicente related to the	12:51:59
7	detectives who in turn related the information	12:52:02
8	to me.	12:52:04
9	Q Got you. And do you know how it was that	12:52:04
10	Mr. Vicente reached out to Detective Halvorsen to	12:52:07
11	report some incident with Bouto's attorney?	12:52:10
12	A My understanding it was through a phone call.	12:52:12
13	Q Okay. And do you know whether the phone	12:52:15
14	call was placed to Detective Halvorsen's office	12:52:17
15	phone? Do you -- do you know any specifics	12:52:22
16	about this?	12:52:24
17	A No.	12:52:24
18	Q Okay. And it's your testimony that	12:52:25
19	Halvorsen then contacted you and said this	12:52:30
20	happened and you decided --	12:52:33
21	A They wanted to make me aware of it, and I	12:52:35
22	felt it was essential that that information be	12:52:38
23	documented.	12:52:40
24	Q Okay.	12:52:40

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1	A	So I wanted to interview him to find out	12:52:41
2		if what the detective was representing to me had,	12:52:44
3		in fact, happened.	12:52:48
4	Q	Okay. And do you -- so you remember Frankie	12:52:49
5		showing up to the State's Attorney's Office gang	12:52:53
6		crimes unit?	12:52:57
7	A	Yes.	12:52:57
8	Q	Was he handcuffed?	12:52:58
9	A	I believe he was until he arrived at our	12:52:59
10		office.	12:53:02
11	Q	Okay. Was he dressed in Cook County garb?	12:53:02
12	A	I believe so.	12:53:05
13	Q	And who was he accompanied by?	12:53:06
14	A	Detective Halvorsen.	12:53:08
15	Q	Anyone else?	12:53:09
16	A	No.	12:53:10
17	Q	And when Detective Halvorsen and Mr. Vicente	12:53:11
18		arrived in the gang crimes unit, what happened next?	12:53:16
19	A	I introduced myself to Mr. Vicente, told him	12:53:20
20		my name is John Dillon, that I was an assistant	12:53:24
21		State's Attorney, that I was a lawyer, and I was	12:53:28
22		prosecuting the case of Robert Bouto for the	12:53:31
23		murder of Salvador Ruvalcaba.	12:53:35
24		And, "It's my understanding from looking	12:53:40

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1 at some documents that they, meaning Mr. Bouto
2 made some statements to you while you were at
3 Area 5 in the lockup. Are you willing to talk
4 with me about that?"

5 He told me that he was, and I had a
6 conversation with him about what allegedly
7 transpired by Mr. Bouto, and Mr. Vicente, and
8 Mr. Maldonado.

9 Q Now, you knew, of course, that Mr. Vicente
10 was charged with a range of robbery offenses at
11 the time that you met him?

12 A Yes.

13 Q And because you were not questioning
14 Mr. Vicente about the nature of those robbery
15 offenses, you did not reach out to his public
16 defender to either ask permission or even to
17 inform him that you were going to speak with
18 Mr. Vicente; is that fair to say?

19 A That's correct.

20 Q Now, did you have this conversation in the
21 general area? Did you go to a conference room, an
22 office? Where was this conversation taking place?

23 A In a conference room on the 13th floor.

24 Q In the gang crimes unit?

Transcript of John Dillon
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1	A	It's in that area that I told you about	12:54:44
2		where the office is, and there's a conference room	12:54:48
3		there.	12:54:51
4	Q	And did you sit at a table?	12:54:51
5	A	Yeah, there's a table with chairs.	12:54:53
6	Q	And who was in the conference room when	12:54:55
7		this conversation took place?	12:54:57
8	A	Myself, Mr. Vicente, and Detective Halvorsen.	12:54:58
9	Q	Okay. And is this one of those doors that	12:55:01
10		had the glass on the side?	12:55:04
11	A	I believe so.	12:55:05
12	Q	And was Assistant State's Attorney Coghlan	12:55:06
13		in the gang crimes unit at the time?	12:55:13
14	A	I don't know.	12:55:14
15	Q	Did he join you in the conference room?	12:55:16
16	A	No.	12:55:18
17	Q	And when you sat down with Mr. Vicente and	12:55:23
18		Detective Halvorsen, you said you uncuffed him;	12:55:31
19		right?	12:55:34
20	A	I didn't uncuff him.	12:55:34
21	Q	Strike that. Halvorsen uncuffed him?	12:55:36
22	A	I believe he handcuffed one of his hands	12:55:41
23		to the chair.	12:55:43
24	Q	Okay. Now, you said you introduced yourself,	12:55:43

Transcript of John Dillon
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1	and you said you're going to be the prosecutor on	12:55:48
2	the Ruvalcaba murder?	12:55:52
3	A Yes.	12:55:52
4	Q And you asked him if he was willing to	12:55:53
5	speak with you; is that fair?	12:55:55
6	A Yes.	12:55:56
7	Q And what did he say?	12:55:57
8	A He agreed.	12:55:58
9	Q And -- and after he agreed to speak with	12:55:59
10	you, what, if anything, did you ask him, and how	12:56:05
11	did he respond?	12:56:08
12	A I asked him if he could tell me -- recount	12:56:09
13	for me what happened in the lockup at the police	12:56:12
14	station in Area 5 while he was there with Edwin	12:56:15
15	Maldonado and Robert Bouto and what it is	12:56:20
16	Mr. Bouto said to him.	12:56:26
17	Q Okay. And did he -- what did he tell you?	12:56:27
18	A He told me that he was talking to	12:56:29
19	Mr. Maldonado, and at some point Mr. Bouto joined	12:56:38
20	the conversation. He said he asked Mr. Bouto what	12:56:42
21	he was about, and I believe he indicated that he	12:56:45
22	did that because he wanted to see what gang he was	12:56:50
23	affiliated with. And he told him that he was a	12:56:55
24	PR Stone, Puerto Rican Stone.	12:57:02

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1 Mr. Vicente related to me that he told him
2 that he was an All Mighty, and he explained to me
3 that an All Mighty in most instances means Latin
4 King, which is aligned or affiliated gang of the
5 Puerto Rican Stones. But in reality he was an
6 All Mighty Imperial Gangster, which is a gang
7 affiliated with the folks nation, which is
8 actually an enemy gang.

9 And Mr. Bouto related to him that he was
10 in custody for murder. Mr. Vicente asked him,
11 "Did you do it?" He said yes. And he said there
12 were, I believe he referred to three studs who
13 picked him out in a lineup, and what was going to,
14 you know, happen to him, how much time did Vicente
15 think he would get.

16 Q Anything else?

17 A That's what he related to me.

18 Q Okay. And what did you say in response
19 when Mr. Vicente told you this?

20 A I then asked him if he would talk to me about
21 what he had alleged Mr. Bouto's attorney did.

22 Q Okay. Did you ask Mr. Vicente anything
23 about his own robbery cases?

24 A No.

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1 Q Did he indicate to you that he was hoping
2 or expected some leniency in his robbery cases?

3 A No, he never said that.

4 Q Did you ever raise the possibility that in
5 exchange for his cooperation in your prosecution
6 of Robert Bouto that you would be willing to
7 discuss leniency in his pending cases?

8 A I didn't need his cooperation because he
9 had already provided a statement under oath before
10 the grand jury involving this incident, and he had
11 already given a handwritten statement detailing
12 his involvement in this incident.

13 Q Okay. Well, when you say you didn't need
14 his cooperation, you mean because you could get
15 his prior statements in substantively, and that
16 was good enough for you?

17 A Yes.

18 Q You didn't have an interest in finding out
19 whether he was going to adhere to his prior
20 statements?

21 A At that time, no.

22 Q Uh-huh.

23 A I mean, I didn't even have a trial file
24 yet at that point. So we're talking something that

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1	by my experience was probably years off.	12:59:24
2	Q Well, you said you didn't need his	12:59:27
3	cooperation, but typically you don't want	12:59:30
4	witnesses flipping; right?	12:59:32
5	A Sometimes that's a good thing.	12:59:33
6	Q Is that -- and why is that?	12:59:39
7	A It's because it's I think a pretty easy	12:59:41
8	sell to a jury to understand why a gang member	12:59:45
9	would flip, not want to testify against another	12:59:48
10	gang member. And when they do that, that's,	12:59:52
11	again, I think for most people common sense tells	12:59:57
12	them that that's what they're going to do.	13:00:00
13	Q Right. So you can argue to the jury that	13:00:02
14	they're afraid of the gang member; right?	13:00:04
15	A Or that they don't want to be involved in	13:00:06
16	this prosecution.	13:00:09
17	Q Okay. Because they're not afraid of the	13:00:10
18	gang member when they're in the confines of the	13:00:13
19	police department, but they are later on when they	13:00:15
20	have testify, is that the theory?	13:00:18
21	MR. HORVAT: Objection; speculation,	13:00:19
22	foundation.	13:00:21
23	You can answer if you understand.	13:00:21
24	A Well, the theory is that a lot of times	13:00:23

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1 they don't want to testify in trial in open court 13:00:25
2 and identify someone as being involved in a crime, 13:00:28
3 a fellow gang member. 13:00:31

4 Q And why would they want to give a statement 13:00:32
5 against a fellow gang member in the first place? 13:00:35

6 MR. HORVAT: Objection; speculation -- 13:00:38

7 MS. ROSEN: Objection. 13:00:38

8 MR. HORVAT: -- foundation. 13:00:39

9 A I have no idea why. 13:00:40

10 Q Well, you have a theory why they wouldn't 13:00:41
11 want to -- 13:00:43

12 A No, I have a -- what I have is I was made 13:00:43
13 aware of the fact that Mr. Vicente brought that to 13:00:45
14 the attention of the detectives on his robbery 13:00:48
15 case. So why Mr. Vicente brought that to those 13:00:50
16 detectives' attention is a question that's 13:00:53
17 probably better posed to Mr. Vicente than me. I 13:00:55
18 have no idea why he did that. 13:00:59

19 Q Well, Mr. Vicente does not say that now. 13:01:00
20 You realize that; right? 13:01:03

21 MR. HORVAT: Objection; it's argumentative. 13:01:05

22 You don't have to answer that question. 13:01:08

23 MS. BONJEAN: No, he does. 13:01:08

24 MR. HORVAT: Well, there wasn't a question 13:01:08

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1	pending. Do you have a question?	13:01:08
2	MS. BONJEAN: I do.	13:01:09
3	Q You realize that Mr. Vicente denies that	13:01:09
4	he brought this information to Detectives Guevara	13:01:11
5	and Halvorsen. You're aware of that; right?	13:01:17
6	MS. ROSEN: Objection; foundation.	13:01:19
7	A As of today, yes, I'm aware of that.	13:01:21
8	Q You realize -- or maybe you don't. Let me	13:01:23
9	ask you, are you aware that Frankie Vicente has	13:01:26
10	alleged that he was coerced into providing these	13:01:30
11	statements against Mr. Serrano and Mr. Montanez by	13:01:35
12	Detectives Guevara and -- strike that.	13:01:41
13	Let's start with Bouto. Are you aware that	13:01:43
14	Frankie Vicente has alleged that he was coerced	13:01:47
15	into providing statements against Robert Bouto	13:01:49
16	while he was at Area 5?	13:01:52
17	A I'm aware that he said that 10 years after	13:01:54
18	those events occurred, yes.	13:01:57
19	Q Okay. And you are -- so as you sit here	13:01:59
20	today, it's your opinion that that is a -- that	13:02:07
21	that's unreliable? His belated recantation is	13:02:12
22	unreliable; is that fair?	13:02:16
23	MR. HORVAT: Object to the form, foundation.	13:02:18
24	If you understand it, you can answer if	13:02:20

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1	you understand it.	13:02:21
2	A <u>Yes, I believe that's very unreliable.</u>	13:02:22
3	Q Okay. Now, did you ask Frankie Vicente when	13:02:25
4	he sat down with you whether or not Robert Bouto	13:02:29
5	had -- whether he knew Robert Bouto previously?	13:02:44
6	A I'm sorry; could you repeat the question?	13:02:50
7	Q Yeah. Did you ask Frankie Vicente when	13:02:52
8	you interviewed him whether he had any prior	13:02:55
9	relationship with Robert Bouto?	13:02:57
10	A I don't have an independent recollection	13:02:58
11	of that.	13:03:01
12	Q Okay. And did you find it at all odd that	13:03:02
13	Robert Bouto would confess to just random people	13:03:05
14	in a lockup for first-degree murder?	13:03:08
15	MR. HORVAT: Object to the form of the	13:03:11
16	question.	13:03:13
17	You can answer if you understand.	13:03:13
18	A No.	13:03:14
19	Q <u>Why not?</u>	13:03:15
20	A Because gang members often brag about the	13:03:15
21	crimes they commit.	13:03:18
22	Q And where do you get that information from?	13:03:20
23	A I get that information from being a	13:03:22
24	prosecutor for almost 31 years and trying thousands	13:03:24

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1	of cases where I've seen instances where that's	13:03:29
2	happened in other cases besides this case.	13:03:32
3	Q Uh-huh. So but you didn't -- when you	13:03:35
4	interviewed Mr. Vicente, you didn't ask him whether	13:03:46
5	he was looking for any benefits; is that right?	13:03:48
6	A That's correct.	13:03:50
7	Q How did you -- how did you determine whether	13:03:50
8	or not his statements about what Bouto told him	13:03:55
9	were reliable?	13:03:59
10	A I assumed that they were reliable.	13:04:05
11	O Why?	13:04:08
12	A Because that's what he told the police,	13:04:09
13	and that's what he told me.	13:04:10
14	Q He's a gang banger.	13:04:12
15	MR. HORVAT: Wait, wait.	13:04:14
16	MS. ROSEN: Can you not interrupt the	13:04:15
17	witness? He was talking. You interrupted him.	13:04:17
18	MS. BONJEAN: Yes. And that happens	13:04:20
19	sometimes and we've talked over each other a	13:04:22
20	couple of times, and we'll work it out. It's all	13:04:25
21	right. It's not purposeful.	13:04:27
22	MS. ROSEN: So I'm just saying, could you	13:04:28
23	let him finish --	13:04:28
24	MS. BONJEAN: Of course.	13:04:28

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1	MS. ROSEN: My statement was, let him	13:04:29
2	finish.	13:04:31
3	MS. BONJEAN: Go ahead.	13:04:32
4	MR. HORVAT: Wait. My objection is just	13:04:32
5	please just ask him the question. You and I have	13:04:33
6	a clean slate; we haven't gone through this before.	13:04:37
7	MS. BONJEAN: I don't know what your	13:04:37
8	point is.	13:04:37
9	MR. HORVAT: Just ask the question.	13:04:41
10	Q Do you know what my question is, or do you	13:04:43
11	need to have it read back to you?	13:04:45
12	A I thought I answered it.	13:04:45
13	Q Okay. Let -- let me back up then. What	13:04:48
14	did you do to test the reliability of Vicente's	13:04:51
15	statements to you about what Bouto allegedly	13:04:56
16	told him?	13:04:59
17	MR. HORVAT: Objection to the form of the	13:04:59
18	question.	13:05:00
19	You can answer that, John.	13:05:00
20	A I looked at the fact that another person	13:05:02
21	in lockup, Edwin Maldonado, said that that happened,	13:05:04
22	and Mr. Bouto's attorney obviously was very concerned	13:05:09
23	about it because he was over talking to Francisco	13:05:12
24	Vicente in the jail about it less than two weeks	13:05:15

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1	after it happened.	13:05:17
2	Q And --	13:05:19
3	A So, obviously, I'm inferring from that	13:05:20
4	that Mr. Garvin must have placed a fair amount of	13:05:22
5	reliability on it to go over to the jail to talk	13:05:25
6	with him about it.	13:05:27
7	Q Is it possible that Mr. Garvin just wanted	13:05:29
8	to find out why a witness would be making	13:05:33
9	statements against his client?	13:05:35
10	MR. HORVAT: Objection; speculation --	13:05:37
11	MS. ROSEN: Objection; foundation.	13:05:37
12	MR. HORVAT: -- foundation.	13:05:40
13	You can answer if you know.	13:05:42
14	A Based on what Mr. Vicente related to me,	13:05:42
15	Mr. Garvin was trying to bribe him into telling	13:05:46
16	the police that that didn't happen.	13:05:49
17	Q Tried to bribe him for \$17; right?	13:05:49
18	A That's what happened, yes.	13:05:51
19	Q Okay. And you believed that?	13:05:52
20	A That was documented by the Cook County	13:05:54
21	Sheriff's Department. Mr. Garvin admitted to	13:05:59
22	giving him \$17, and Mr. Garvin had provided him	13:06:01
23	with a letter offering free representation to him	13:06:05
24	on his cases. So based on those things, yes, I	13:06:07

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1 believe that.

13:06:11

2 Q Okay. And apart from your inferences
3 about Mr. Garvin's sketchy behavior, what else did
4 you do to test the reliability of Mr. Vicente's
5 statements to you?

13:06:11

13:06:16

13:06:20

13:06:28

6 MR. HORVAT: Objection; form.

13:06:28

7 Go ahead.

13:06:30

8 A I was satisfied with the reliability based
9 on the reasons I just gave you.

13:06:31

13:06:33

10 Q Well, you know -- well, hold on a second.

13:06:36

11 So nothing else? You didn't do anything
12 else to test reliability of it?

13:06:43

13:06:45

13 A No.

13:06:46

14 Q It didn't give you concern that he was a
15 gang banger himself?

13:06:52

13:06:55

16 MR. HORVAT: Objection to form.

13:06:56

17 Do you understand the question?

13:06:56

18 THE WITNESS: Yes, I understand.

13:06:58

19 A Unfortunately, as I would tell many juries
20 in my closing arguments that I'd love to have a
21 priest, a rabbi, or minister present when these
22 crimes took place, but, unfortunately, the
23 Francisco Vicentes of the world are the people who
24 are witnesses to these types of crimes.

13:06:59

13:07:01

13:07:04

13:07:07

13:07:09

13:07:11

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1	Q All right. And how do you determine which	13:07:13
2	ones are telling the truth and which ones aren't?	13:07:14
3	MS. ROSEN: Object to form.	13:07:17
4	A Based on what they represented to you.	13:07:19
5	Q Okay.	13:07:19
6	A But that's true of any witness whether	13:07:20
7	they're a gang member or not. It depends on whether	13:07:21
8	they're being truthful in what they represented.	13:07:22
9	It's not peculiar to a gang member. That's if you	13:07:24
10	were to go into court and give testimony. There's	13:07:27
11	nothing that I can test your reliability any more	13:07:31
12	than I could Francisco Vicente's.	13:07:34
13	Q Well, did you test his statement against --	13:07:36
14	A It appeared to be --	13:07:39
15	Q I'm going to ask you that you let me finish	13:07:40
16	my question, also. It goes both ways. Okay?	13:07:43
17	A Sure.	13:07:47
18	Q You could test a statement against	13:07:47
19	undisputed facts to determine whether it matches	13:07:49
20	up; right?	13:07:51
21	MR. HORVAT: Object; it's an incomplete	13:07:52
22	hypothetical and form.	13:07:54
23	You can answer.	13:07:56
24	MS. BONJEAN: Uh-huh.	13:07:57

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1	MS. ROSEN: Oh, I am sorry, that is the	13:07:57
2	most unprofessional thing. You are just like	13:07:59
3	chalking it up there with your unprofessional	13:08:03
4	behavior.	13:08:06
5	MS. BONJEAN: Thank you for your --	13:08:06
6	MS. ROSEN: You're welcome.	13:08:08
7	MS. BONJEAN: -- your commentary.	13:08:10
8	MS. ROSEN: You're welcome. I'm glad that	13:08:11
9	all of your unprofessional behavior is not directed	13:08:14
10	at female attorneys.	13:08:19
11	MS. BONJEAN: Now, why would that be	13:08:20
12	the case?	13:08:20
13	MS. ROSEN: I don't know.	13:08:20
14	MS. BONJEAN: I love females. What are	13:08:20
15	you talking about?	13:08:20
16	MS. ROSEN: I don't know.	13:08:20
17	MS. BONJEAN: Maybe it's just personal.	13:08:22
18	MS. ROSEN: Maybe. We have no history at	13:08:23
19	all, so it's personal.	13:08:25
20	MS. BONJEAN: Okay. Let's look -- I'm	13:08:26
21	going to have you look at Exhibit 3. Okay?	13:08:30
22	(Dillon Deposition Exhibit 3 marked for	13:08:30
23	identification and attached to the transcript.)	13:09:43
24	MS. BONJEAN: Let me know when you're ready.	13:09:43

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1	THE WITNESS: Okay. Thank you.	13:09:45
2	Okay.	13:12:21
3	BY MS. BONJEAN:	13:12:21
4	Q What do you recognize this exhibit to be?	13:12:21
5	A This is the handwritten statement that	13:12:23
6	Francisco Vicente gave regarding the shooting	13:12:27
7	death of Salvador Ruvalcaba.	13:12:30
8	Q When you interviewed Frankie Vicente about	13:12:35
9	the statements that he provided to the detectives	13:12:37
10	at Area 5, did you ask him about his heroin problem?	13:12:40
11	A No.	13:12:44
12	Q Were you aware of his heroin problem?	13:12:44
13	A No.	13:12:46
14	Q Did his drug addiction in any way color	13:12:47
15	your determination about the reliability of his	13:12:51
16	statements?	13:12:54
17	A No.	13:12:59
18	Q Were you aware that he was going through	13:12:59
19	heroin withdrawal at the time he made the	13:13:02
20	statement?	13:13:03
21	A No.	13:13:03
22	Q Would that have featured into your thinking	13:13:03
23	at all about whether the statement was reliable?	13:13:05
24	MS. ROSEN: Object to the form.	13:13:10

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1	A I -- I didn't see any type of evidence	13:13:11
2	that he was going through some type of withdrawal.	13:13:12
3	So I suspected there was nothing wrong.	13:13:15
4	Q And he didn't tell you he was going through	13:13:18
5	any withdrawal; is that your testimony?	13:13:21
6	A That's my testimony.	13:13:23
7	Q And Detective Halvorsen didn't tell you he	13:13:23
8	was going through any type of withdrawal at the	13:13:26
9	Area 5 when he made these statements?	13:13:28
10	A No, he didn't.	13:13:30
11	Q And did you ever learn that he was going	13:13:31
12	through heroin withdrawal?	13:13:33
13	A I'm sure at some point I did. I don't	13:13:36
14	recall when.	13:13:39
15	Q It's not something that came up, though,	13:13:39
16	when you were interviewing him on June 2nd, 1993?	13:13:42
17	A No, ma'am.	13:13:45
18	Q And in 1993 did you have any general concern	13:13:45
19	about the reliability of jailhouse snitches or	13:13:47
20	jailhouse confessions?	13:13:52
21	MR. HORVAT: Object to the form.	13:13:54
22	You can answer.	13:13:55
23	A I always look at those things as somewhat	13:13:57
24	suspect.	13:14:06

1 Q Okay. So would it be fair to say that you 13:14:06
2 looked at Vicente's statements initially with 13:14:09
3 some -- some reservations or some extra caution 13:14:12
4 maybe? 13:14:16

5 A I think that's fair. 13:14:19

6 Q Okay. And would it be fair to say that 13:14:23
7 often jailhouse snitches at least in your 13:14:28
8 experience want something in return for their 13:14:31
9 statements against witnesses? 13:14:33

10 MR. HORVAT: Objection to form, foundation, 13:14:34
11 speculation. 13:14:37

12 You can answer, if you know. 13:14:38

13 A This is really the only case that I had a 13:14:39
14 situation like that. So I can't really speak as 13:14:42
15 to other people and what their instances were. I 13:14:46
16 can only speak as to this case. 13:14:49

17 Q Okay. So in your entire career as a 13:14:50
18 prosecutor you only used a cooperating witness -- 13:14:54
19 well, let me back up. 13:15:03

20 In your entire career as a prosecutor you 13:15:06
21 only used a jailhouse snitch on this one occasion; 13:15:11
22 is that fair? 13:15:16

23 MR. HORVAT: I'm going to object to the 13:15:16
24 form of the question to specifically "used." 13:15:16

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1	You can answer if you understand.	13:15:18
2	A I didn't use him on this case.	13:15:18
3	Q Well, you didn't -- no. I know you didn't	13:15:21
4	end up calling him as a witness, but you used him	13:15:22
5	to get charges brought; right?	13:15:26
6	MR. HORVAT: Is there a question?	13:15:27
7	MS. BONJEAN: Yeah.	13:15:29
8	Q You used him to get charges brought; right?	13:15:31
9	A No, that's not right.	13:15:34
10	Q He didn't testify before the grand jury?	13:15:35
11	A Did who testify before the grand jury?	13:15:37
12	Q Vicente.	13:15:39
13	A On which case?	13:15:40
14	Q On the Bouto case.	13:15:42
15	A Yes, he testified before the grand jury.	13:15:43
16	Q Okay. Well, isn't the grand jury the	13:15:45
17	vehicle by which somebody is formally charged with	13:15:48
18	a crime?	13:15:51
19	A Or a preliminary hearing.	13:15:51
20	Q Right. And in this case Mr. Bouto was	13:15:53
21	indicted, wasn't he?	13:15:56
22	A Yes.	13:15:57
23	Q Okay. And that indictment was secured in	13:15:57
24	part through testimony of Francisco Vicente;	13:15:59

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1	correct?	13:16:03
2	A I can't speak to that. I have no knowledge	13:16:03
3	of that.	13:16:07
4	Q Did he testify before the grand jury?	13:16:07
5	A Yes.	13:16:09
6	Q Okay. So --	13:16:09
7	A Do I know what the grand jurors considered	13:16:10
8	as important evidence in making their decision to	13:16:12
9	return a true bill, no, I can't answer that.	13:16:15
10	Q You think that's what I'm asking you, what	13:16:18
11	was in the minds of the grand jurors?	13:16:20
12	MR. HORVAT: Objection. You don't have to	13:16:22
13	be argumentative with my client. You can follow	13:16:24
14	up with your question.	13:16:25
15	MS. BONJEAN: I'm not being argumentative.	13:16:25
16	MR. HORVAT: You asked Mr. Dillon if he	13:16:26
17	used Francisco Vicente. He told you he didn't use	13:16:29
18	him. If you want to follow up on that question,	13:16:32
19	go right head.	13:16:35
20	MS. BONJEAN: We're so well past those	13:16:36
21	questions. What's your name again?	13:16:38
22	MS. ROSEN: Oh, my God.	13:16:40
23	MS. BONJEAN: No, I'm serious. I've never	13:16:42
24	met him. How would I know his name? I know it's	13:16:46

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1	Mr. Horvat but --	13:16:48
2	MR. HORVAT: There you go.	13:16:50
3	Q Mr. Vicente testified before the grand	13:16:51
4	jury; right?	13:16:53
5	A Yes.	13:16:54
6	Q Okay. He was evidence -- he provided	13:16:54
7	testimony on which the State's Attorney presented	13:16:58
8	to the grand jury; correct?	13:17:01
9	A Yes.	13:17:03
10	Q And that grand jury returned a true bill	13:17:03
11	of indictment; right?	13:17:05
12	A Correct.	13:17:06
13	Q Okay. So the State's Attorney's Office	13:17:07
14	did, in fact, rely on testimony from Mr. Vicente	13:17:09
15	that resulted in charges being brought against	13:17:12
16	Mr. Bouto; right?	13:17:14
17	A An indictment being returned against	13:17:15
18	Mr. Bouto, yes.	13:17:18
19	Q The indictment being brought, which is the	13:17:18
20	formal charging mechanism or one way to formally	13:17:21
21	charge; right?	13:17:24
22	A Correct.	13:17:25
23	Q Okay. And, in fact, as of the start of	13:17:26
24	trial you weren't -- you were still at least	13:17:28

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1	holding out the possibility that you might present	13:17:30
2	Mr. Bouto's testimony; correct?	13:17:33
3	MS. ROSEN: Object to the form.	13:17:35
4	A I'm sorry?	13:17:37
5	Q Even after you picked a jury --	13:17:37
6	A I can't call Mr. Bouto as a witness.	13:17:39
7	Q No, I misspoke. Even as you started the	13:17:42
8	prosecution and picked a jury in the Bouto case,	13:17:45
9	you indicated that you might still call	13:17:49
10	Mr. Vicente as a witness; right?	13:17:52
11	A No.	13:17:53
12	Q No?	13:17:54
13	A No.	13:17:54
14	Q When did you decide not to use Mr. Vicente	13:17:57
15	as a witness in the Bouto case?	13:18:01
16	A When I interviewed him probably a couple	13:18:03
17	weeks before the trial took place, maybe a month	13:18:07
18	before the trial took place.	13:18:10
19	Q Okay. And did you -- and when did you let	13:18:11
20	defense counsel know that you weren't going to	13:18:17
21	call him?	13:18:19
22	A I don't have to let defense counsel know	13:18:19
23	who I'm going to call or who I'm not going to call.	13:18:22
24	Q I didn't suggest you did.	13:18:24

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1	A Well, then I didn't tell them.	13:18:26
2	Q In fact, you told defense counsel you might	13:18:28
3	still call him?	13:18:30
4	A He was listed as a witness on my answer to	13:18:31
5	discovery, yes.	13:18:34
6	Q Okay. And so you indicated to the Court	13:18:34
7	and to defense counsel even after the start of	13:18:36
8	trial that you might still call him; right?	13:18:39
9	A I don't recall that, no.	13:18:41
10	Q Okay. But it's possible? If I showed you	13:18:42
11	the transcript, would that -- it wouldn't surprise	13:18:46
12	you; right?	13:18:48
13	A You can show me --	13:18:48
14	MS. ROSEN: Object to the form.	13:18:50
15	A -- the transcript.	13:18:51
16	Q Okay. Well, I will pull it out in a	13:18:53
17	minute. But your testimony is at least in your	13:18:55
18	mind you had decided you weren't going to call	13:18:56
19	Mr. Bouto -- strike that -- Mr. Vicente as a	13:18:59
20	witness?	13:19:00
21	A That's correct.	13:19:01
22	Q Okay. Now, you knew when Mr. Vicente came	13:19:01
23	to visit you that he was looking at a significant	13:19:11
24	amount of time in the penitentiary in excess of	13:19:14

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1 double digits; correct? 13:19:17

2 MR. HORVAT: Object to foundation. Which 13:19:18
3 visit are we talking about? 13:19:21

4 MS. BONJEAN: On June 2nd, 1993. 13:19:22

5 A I believe I did but I don't have an 13:19:26
6 independent recollection of that. 13:19:31

7 Q Well, you would agree that the potential 13:19:32
8 of spending the rest of your life in prison or 13:19:34
9 something tantamount to that would be a strong 13:19:37
10 motivator potentially in giving a statement that 13:19:40
11 you think could get you leniency possibly; right? 13:19:42

12 MR. HORVAT: Objection to form and 13:19:46
13 foundation. 13:19:47

14 You can answer. 13:19:47

15 A I suppose. 13:19:48

16 Q And is that something that crossed your 13:19:49
17 mind when you were determining whether or not 13:19:51
18 Mr. Vicente's statements were reliable? 13:19:54

19 A No. 13:19:56

20 Q It didn't cross your mind? 13:19:57

21 A Not after reading Mr. Maldonado's 13:19:58
22 statements as well as Mr. Garvin's actions, no. 13:20:02

23 Q So Mr. Garvin's actions made you feel 13:20:07
24 comfortable that what Mr. Vicente was saying was 13:20:12

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1	truthful?	13:20:14
2	A Yes.	13:20:14
3	Q Okay. Now, you actually went and pulled	13:20:14
4	Mr. Vicente's criminal history on June 3rd, '93;	13:20:24
5	right?	13:20:31
6	A Well, I spoke with him again on June 2nd,	13:20:31
7	not June 3rd.	13:20:34
8	Q Correct.	13:20:35
9	A And I don't recall whether I pulled his	13:20:36
10	criminal history or not. That really didn't have	13:20:38
11	anything to do with my conversation with him.	13:20:42
12	Q Okay. Let's get back to that conversation.	13:20:43
13	I'm going to ask you to look at this exhibit which	13:21:22
14	I think we've marked as 3.	13:21:24
15	A Okay.	13:21:24
16	Q If you could look at the third page of it.	13:21:27
17	A All right.	13:21:30
18	Q And starting at the second sentence it	13:21:31
19	says, "Francisco Vicente states that the PR Stone	13:21:39
20	told him that he had just picked up his lady at	13:21:42
21	Roosevelt High School and was walking with her by	13:21:45
22	Roosevelt High School when he heard some shots.	13:21:47
23	Francisco Vicente states that the PR Stone then	13:21:51
24	told him that his stone brothers, the shorties	13:21:52

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1	came up to him and his lady and told him that the	13:21:56
2	Cobras had popped at them." Did you see that?	13:21:59
3	A Yes.	13:22:02
4	Q What did you -- did you do anything to	13:22:03
5	confirm that, in fact, there had been a shooting	13:22:05
6	that precipitated the Ruvalcaba murder?	13:22:07
7	A No.	13:22:11
8	Q Okay. Do you know -- were you able to	13:22:12
9	verify through any other witnesses, for instance,	13:22:15
10	that there was actually a shooting that	13:22:19
11	precipitated or occurred immediately or relatively	13:22:21
12	close in time to when the Ruvalcaba murder took	13:22:24
13	place?	13:22:30
14	A No.	13:22:30
15	Q Did you do anything to confirm that fact	13:22:31
16	that is contained in Vicente's statement here?	13:22:33
17	MR. HORVAT: Objection; asked and	13:22:35
18	answered.	13:22:38
19	You can answer again.	13:22:38
20	A Well, again, it's not confirmed as a fact	13:22:39
21	to me. This is what Mr. Vicente is saying	13:22:42
22	Mr. Bouto said.	13:22:44
23	Q Right.	13:22:46
24	A So Mr. Bouto injecting that maybe somebody	13:22:47

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1 was shooting at them and putting elements of 13:22:50
2 self-defense into his statement doesn't surprise 13:22:53
3 me at all. 13:22:55

4 Q Well, what did you do to try to figure 13:22:56
5 it out? 13:22:59

6 MS. ROSEN: Objection to the form. 13:23:00

7 MR. HORVAT: Objection to the form. 13:23:03

8 A I spoke to Mr. Vicente. 13:23:04

9 Q And Vicente alone was enough? You didn't 13:23:05
10 do anything to verify whether that, in fact, 13:23:07
11 happened or not? 13:23:10

12 A Again, along with what Mr. Maldonado said 13:23:11
13 Mr. Bouto said and again based on Mr. Garvin's 13:23:14
14 actions. 13:23:17

15 Q Okay. Now, you realize that the other 13:23:17
16 witnesses in the case, including the friends of 13:23:19
17 Mr. Ruvalcaba, did not make any mention of a prior 13:23:23
18 shooting; right? 13:23:27

19 A I don't know whether they were asked if 13:23:28
20 there was a prior shooting that took place. 13:23:30

21 Q Okay. Well, that's fine. But you are 13:23:32
22 not -- are you familiar with any statements by the 13:23:36
23 actual eyewitnesses or occurrence witnesses who 13:23:38
24 were there that were friends with Mr. Ruvalcaba 13:23:41

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1	that there had -- that there had been some prior	13:23:43
2	shooting by Cobras?	13:23:46
3	A Not to my knowledge.	13:23:47
4	Q And did that give you any pause or concern	13:23:49
5	that maybe there's, you know, something inaccurate	13:23:52
6	or made up here?	13:23:55
7	A No.	13:23:56
8	Q You assumed that it must have been Bouto	13:23:56
9	telling Mr. Vicente --	13:23:59
10	A Well, I assumed that a shooting between	13:24:01
11	the gangs had shot at the rival gang members	13:24:03
12	earlier. I didn't presume that it happened within	13:24:07
13	seconds of this murder happening.	13:24:09
14	Q Did you do any --	13:24:11
15	A So the fact that those witnesses may not	13:24:12
16	have heard those things doesn't mean that it	13:24:14
17	didn't happen.	13:24:17
18	Q Okay. Well, do you have any evidence that	13:24:18
19	it did happen apart from Mr. Vicente saying it	13:24:19
20	happened?	13:24:22
21	A Mr. Bouto saying that it happened.	13:24:23
22	Q Mr. Bouto said that there was a prior	13:24:24
23	shooting?	13:24:26
24	A According to Mr. Vicente, yes.	13:24:27

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1	Q Okay.	13:24:28
2	A And according to Mr. Maldonado.	13:24:29
3	Q Did Mr. Maldonado say that that happened?	13:24:32
4	A That was contained in his handwritten	13:24:34
5	statement, I believe, but I would have to look at	13:24:36
6	it to refresh my recollection.	13:24:39
7	Q Okay. Have you looked -- have you seen a	13:24:41
8	handwritten statement by Mr. Maldonado recently?	13:24:44
9	A I'm guessing that I probably did.	13:24:47
10	Q Okay. You don't --	13:24:52
11	A I don't have an independent recollection, no.	13:24:54
12	Q All right. Okay. So apart from maybe it	13:24:58
13	was in Mr. Maldonado's handwritten statement that	13:25:03
14	I would love to have if somebody has it because I	13:25:07
15	don't --	13:25:10
16	MS. BONJEAN: Has anyone seen a handwritten	13:25:10
17	statement by Mr. Maldonado?	13:25:12
18	A I've -- you know what? I'm sorry; I take	13:25:16
19	that back. I don't believe there was a	13:25:19
20	handwritten statement, just his grand jury	13:25:21
21	testimony. I'm sorry.	13:25:24
22	MS. BONJEAN: Do you know if you provided	13:25:25
23	the grand jury testimony for Mr. Maldonado?	13:25:27
24	MS. CHOJNACKI: Yes, we did.	13:25:27

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1	MS. BONJEAN: Okay. Can you provide the	13:25:27
2	exam? Because we had trouble finding it and I	13:25:27
3	don't know --	13:25:32
4	MS. CHOJNACKI: Okay. It's attached to	13:25:32
5	Francisco Vicente's testimony.	13:25:41
6	MS. BONJEAN: It actually cuts off right	13:25:41
7	when it starts based on what was presented to me.	13:25:43
8	So if you could double-check, I'd appreciate it.	13:25:45
9	MS. ROSEN: Okay.	13:25:49
10	Q Okay. So apart from possibly Mr. Maldonado's	13:25:49
11	grand jury testimony, you were not able to confirm	13:25:52
12	that there was a shooting shortly before the	13:25:56
13	Ruvalcaba shooting other than through Mr. Vicente	13:26:00
14	and Mr. Maldonado; right?	13:26:03
15	A Correct.	13:26:03
16	Q And what about -- I'm going to ask you to	13:26:04
17	look at -- were you able to track down or did you	13:26:09
18	attempt to track down any of these shorties that	13:26:18
19	were referenced in this Vicente statement	13:26:21
20	allegedly of what Bouto said?	13:26:26
21	A There were no names provided. So how was	13:26:28
22	I able to try and track them down?	13:26:31
23	Q Okay. Did -- I don't know. Did you attempt	13:26:33
24	to ask any witnesses other than Mr. Vicente about	13:26:37

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1	who these shorties might be?	13:26:40
2	A The shorties were fellow gang members of	13:26:43
3	Mr. Bouto who was represented by counsel. I	13:26:47
4	couldn't talk to Mr. Bouto.	13:26:49
5	Q No. But did you -- do you know whether	13:26:49
6	you asked any of the rival gang members whether	13:26:50
7	they recognized any of or knew who these shorties	13:26:53
8	might be?	13:26:56
9	A No.	13:26:56
10	Q Was it your understanding that Bouto told	13:26:57
11	Vicente that a shorty drove up in a car and handed	13:27:06
12	him a gun?	13:27:09
13	A According to what Mr. Vicente related	13:27:11
14	Mr. Bouto told him, yes.	13:27:18
15	MS. BONJEAN: Okay. I'm going to have you	13:27:18
16	look at what's been previously marked Exhibit 1.	13:27:22
17	(Dillon Deposition Exhibit 1 marked for	13:27:22
18	identification and attached to the transcript.)	13:28:15
19	MS. BONJEAN: Let me know when you're ready.	13:28:15
20	THE WITNESS: Thank you.	13:28:19
21	Q I want to draw your attention to page 6 at	13:30:27
22	the top.	13:30:31
23	A Okay.	13:30:31
24	Q And Frank Escobar was one of the occurrence	13:30:32

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1	witnesses; right?	13:30:41
2	A Yes.	13:30:41
3	Q Okay. And he reported that he -- in the	13:30:42
4	middle of the paragraph looked across Kimball and	13:30:48
5	observed a male known to him as Mario riding a bike	13:30:51
6	and hand a gun to the offender. Do you see that?	13:30:55
7	A Yes.	13:30:58
8	Q Were you able to reconcile why	13:30:58
9	Frank Escobar said that the offender retrieved a	13:31:01
10	gun from a guy named Mario riding a bike versus	13:31:05
11	someone else driving up and handing Mr. Bouto	13:31:09
12	the gun?	13:31:14
13	A No.	13:31:14
14	Q Did it -- did that factual difference	13:31:15
15	concern you?	13:31:22
16	MR. HORVAT: I'm going to object --	13:31:23
17	MS. ROSEN: Object to the form.	13:31:25
18	MR. HORVAT: -- at this point in time.	13:31:26
19	Certainly, his decision on how to use	13:31:29
20	Mr. Vicente and ultimately not using him is at	13:31:31
21	issue in this case, and I've allowed you to go	13:31:32
22	into that. But when you ask him to opine on other	13:31:35
23	witnesses and his theory of the prosecution	13:31:38
24	outside Vicente, you're going into unrelated	13:31:40

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1 matters in this case. And what you're asking my
2 client to do is to give his mental impressions,
3 his mental processes in his decisions for making
4 these nonrelated Vicente matters decisions. So to
5 that extent that you're asking that question
6 you're asking for my client's internal thoughts.

7 John, I'm going to direct you not to
8 answer the question.

9 MS. BONJEAN: I'm going to clarify that I
10 am trying to probe what he did to determine the
11 reliability of Vicente's statements.

12 MR. HORVAT: That's not what you asked him.

13 Q Well, let me make it more clear. One
14 witness says a guy named Mario brought the gun to --
15 well, brought the gun to the offender via a bike;
16 right?

17 A That's what the report says.

18 Q That's what Mr. Escobar says according to
19 this report; right?

20 A Correct.

21 Q And Mr. Vicente says something a little
22 different -- a lot different; correct?

23 A Mr. Vicente relates what Mr. Bouto told him.

24 Q Okay. And you feel that because -- I

1 don't -- let me back up and ask it this way:

2 Is it your testimony that you didn't have
3 a concern or an interest in determining whether or
4 not what Mr. Bouto told Mr. Vicente was, in fact,
5 accurate?

6 MR. HORVAT: Object to the form of the
7 question; misstates the testimony.

8 If you understand, you can answer.

9 A Obviously, I'm concerned with its accuracy,
10 but in my 30-plus years of being a trial lawyer,
11 10 witnesses can observe the same thing, and
12 10 witnesses can give 10 different versions of
13 what happened. So the fact that one person was
14 saying somebody came up on a bike and handed him a
15 gun, and another person said he came up in a car
16 and handed him the gun, that was not a concern of
17 mine, no.

18 Q So it was not of interest to you to ask
19 Mr. Vicente, "Another witness said it was a guy
20 named Mario on a bike. Didn't Bouto mention
21 anything about that?" Did you question Vicente at
22 all about this discrepancy?

23 MS. ROSEN: Object to the form.

24 A No, because Mr. Vicente wasn't aware of a

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1 discrepancy. He was only aware of what Mr. Bouto
2 related to him.

3 Q Okay. But you were aware of a
4 discrepancy, no?

5 A At the time I spoke to him on June 2nd, I
6 don't know that I was. Because I believe this
7 report is dated May 16th, and I don't believe I
8 had this report with me when I interviewed him.
9 Because, again, I think if you look, the case was
10 probably not indicted at that point. So I didn't
11 have a trial file at that point.

12 Q Okay. So let me ask it this way then:

13 Was there any point at which you questioned
14 the reliability of the statement itself that
15 Vicente provided to you?

16 MR. HORVAT: Objection; asked and
17 answered.

18 You can answer again.

19 A Yes.

20 Q Okay. At what point would that have been?

21 MR. HORVAT: Same objection.

22 A Probably prior to my getting ready to try
23 this case.

24 Q Okay. And did you ask him whether he could

13:33:53

13:33:55

13:33:56

13:33:59

13:34:00

13:34:03

13:34:06

13:34:10

13:34:13

13:34:17

13:34:20

13:34:22

13:34:26

13:34:30

13:34:33

13:34:36

13:34:39

13:34:39

13:34:40

13:34:41

13:34:44

13:34:45

13:34:47

13:34:48

1 resolve any of the discrepancies that existed in 13:34:51
2 his statements that, again, he says Bouto made to 13:34:55
3 him versus the statements that were made by other 13:34:58
4 witnesses? 13:35:00

5 MS. ROSEN: Object to the form. 13:35:01

6 MR. HORVAT: Object to foundation. You're 13:35:02
7 talking about the last -- 13:35:05

8 A No, because it's impossible for Vicente 13:35:06
9 to -- to reconcile discrepancies that he didn't 13:35:09
10 create. How can he reconcile a statement someone 13:35:12
11 else gave to him? That doesn't make any sense to 13:35:17
12 me; I'm sorry. 13:35:19

13 Q At any point did it occur to you that 13:35:21
14 maybe Bouto didn't make the statement to Vicente? 13:35:23

15 A Again, as I told you because of the fact 13:35:26
16 that Mr. Maldonado said he said these things, and 13:35:30
17 because of Mr. Garvin's actions, I believed that 13:35:33
18 what they represented to me, Mr. Vicente and 13:35:36
19 Mr. Maldonado, was the truth. 13:35:39

20 Q But Mr. Maldonado recanted those statements 13:35:40
21 before trial, didn't he? 13:35:43

22 A Yes, he did. 13:35:44

23 Q He accused you of wrongdoing, didn't he? 13:35:45

24 A He did. 13:35:48

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1	Q He said you tried to bribe him; correct?	13:35:49
2	A No, he did not. He testified under oath	13:35:52
3	that I did no such things.	13:35:54
4	Q Okay.	13:35:55
5	A And there's a transcript of that.	13:35:56
6	Q Right. But he did accuse of you -- in	13:35:58
7	fact, before trial started you -- you actually did	13:36:15
8	some type of motion in limine to try to prevent	13:36:17
9	the defense from in any way suggesting that	13:36:20
10	Mr. Maldonado had accused you of attempting to pay	13:36:24
11	witnesses off. Do you remember that?	13:36:28
12	A If the transcript says that, yes.	13:36:30
13	MS. BONJEAN: Can you mark that for me?	13:36:32
14	THE WITNESS: But, again, what does that	13:36:34
15	have to do with --	13:36:36
16	MR. HORVAT: John, just yes or no.	13:36:37
17	MS. BONJEAN: You can mark that, please.	13:36:39
18	(Dillon Deposition Exhibit 7 marked for	13:36:39
19	identification and attached to the transcript.)	13:36:57
20	MS. ROSEN: Is this just one page of a	13:36:57
21	transcript?	13:37:00
22	MS. BONJEAN: Yes.	13:37:00
23	MS. ROSEN: Can you tell us from what date	13:37:03
24	the transcript is?	13:37:05

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1	MS. BONJEAN: It's from the Bouto trial.	13:37:06
2	It was from the first day of trial. I'll have to	13:37:08
3	get the exact date. It's just to refresh his	13:37:12
4	recollection.	13:37:16
5	BY MS. BONJEAN:	13:37:31
6	Q So at least according to you, at the Bouto	13:37:32
7	trial Mr. Maldonado had at some point attempted --	13:37:34
8	accused you of attempting to pay witnesses off;	13:37:37
9	correct?	13:37:40
10	A There was an affidavit that was generated	13:37:41
11	that he signed.	13:37:44
12	Q Right.	13:37:45
13	A And that affidavit had allegations in it	13:37:45
14	that resulted in a hearing before Judge Simmons,	13:37:49
15	and in his hearing before Judge Simmons	13:37:54
16	Mr. Maldonado said I did nothing wrong	13:37:57
17	MS. ROSEN: For the record, the date of	13:38:01
18	the hearing is July 31st, 1996.	13:38:03
19	Q The point, though -- really what I'm trying	13:38:08
20	to get back at is that before trial Mr. Maldonado	13:38:12
21	had recanted his statements -- or his grand jury	13:38:15
22	system; isn't that right?	13:38:17
23	A That's correct.	13:38:18
24	Q Okay. And when Mr. Maldonado said, "You	13:38:19

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1	know what? I never heard these confessions or	13:38:23
2	anything of that nature" -- okay? -- did it prompt	13:38:28
3	you to reconsider the reliability of Vicente's	13:38:35
4	testimony?	13:38:39
5	A Not really.	13:38:40
6	Q Because you've said up to this point that	13:38:41
7	it was one of the reasons you were confident in	13:38:44
8	the reliability of Vicente's statements and that	13:38:47
9	Bouto made these statements to him was because it	13:38:52
10	was corroborated by Maldonado; right?	13:38:55
11	A Correct.	13:38:59
12	Q Okay. And then Maldonado, though, at some	13:39:01
13	point recanted those statements; right?	13:39:06
14	A Correct.	13:39:07
15	Q And said that they were false; correct?	13:39:08
16	A Correct.	13:39:10
17	Q And your testimony is, though, that that	13:39:10
18	didn't alter your thinking of the reliability of	13:39:12
19	the Vicente statements; right?	13:39:17
20	A No.	13:39:18
21	MS. BONJEAN: I'm going to ask you to mark	13:39:19
22	that, please.	13:39:20
23	(Dillon Deposition Exhibit 8 marked for	13:39:20
24	identification and attached to the transcript.)	13:39:20

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1	MS. ROSEN: What number is this one?	13:39:20
2	THE COURT REPORTER: 8.	13:39:20
3	MS. ROSEN: Thank you.	13:40:14
4	THE WITNESS: Okay.	13:40:14
5	BY MS. BONJEAN:	13:40:14
6	Q Is this the affidavit you referenced earlier	13:40:15
7	by Mr. Maldonado?	13:40:17
8	A Yes.	13:40:19
9	Q Okay. And this is an affidavit where he	13:40:20
10	states that he actually never did hear Mr. Bouto	13:40:22
11	confess to the murder of Salvador Ruvalcaba; right?	13:40:27
12	A That's correct.	13:40:33
13	Q If you go to the second page, he	13:40:34
14	references when he was brought upstairs to the	13:40:38
15	criminal courts building section. Do you see that?	13:40:40
16	A Yes.	13:40:43
17	Q Do you remember when Mr. Maldonado was	13:40:43
18	brought up to the Cook County State's Attorney's	13:40:46
19	Office at any point?	13:40:51
20	A Well, at some time he was brought up and I	13:40:56
21	interviewed him.	13:41:00
22	Q Uh-huh.	13:41:01
23	A I believe what's being referenced here is	13:41:03
24	when he was brought up before he went to go before	13:41:05

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1	the grand jury. So I don't think that's	13:41:08
2	referencing contact with me.	13:41:11
3	Q Okay. Did you, in fact, interview	13:41:12
4	Mr. Maldonado in the offices -- in your offices?	13:41:15
5	A Yes.	13:41:17
6	Q Okay. And do you know when that interview	13:41:18
7	took place?	13:41:21
8	A I don't. But Point 12 I believe is what	13:41:23
9	is referring to me.	13:41:28
10	Q Uh-huh.	13:41:28
11	A In 1995, so I don't why - I can't -- I	13:41:29
12	don't have a recollection that it was in 1995, but	13:41:33
13	I did interview him prior to the trial.	13:41:36
14	Q Did you interview him prior to him going	13:41:39
15	before the grand jury?	13:41:42
16	A No.	13:41:43
17	Q Okay. And did you have any contact with	13:41:44
18	him whatsoever prior to him testifying before the	13:41:47
19	grand jury?	13:41:49
20	A No.	13:41:50
21	Q Okay. Now, at some point he indicates	13:41:50
22	that he met with an assistant State's Attorney.	13:41:53
23	That's correct; right?	13:41:57
24	A Correct.	13:41:58

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1	Q And you were the assistant State's	13:41:58
2	Attorney handling the case, so that would have	13:42:01
3	been most likely; correct?	13:42:03
4	MR. HORVAT: Objection; speculation.	13:42:05
5	A No, that's not correct.	13:42:07
6	Q Okay.	13:42:07
7	A Because there's a State's Attorney who	13:42:08
8	handled it on review; there's a State's Attorney,	13:42:10
9	different State's Attorney who handled it in the	13:42:12
10	grand jury that wasn't me, and then there was me.	13:42:14
11	Q All right. Did you have any contact with	13:42:16
12	Mr. Maldonado prior to the indictment returning a	13:42:19
13	true bill against Mr. Bouto?	13:42:26
14	MR. HORVAT: Objection; asked and answered.	13:42:27
15	You can answer.	13:42:30
16	A No.	13:42:31
17	Q Now, in No. 12 Mr. Maldonado references,	13:42:32
18	"In 1995 the assistant State's Attorney in	13:42:36
19	Robert Bouto's trial subpoenaed me and prepared me	13:42:39
20	for the trial by reviewing the false statement I	13:42:41
21	gave to the grand jury and the Chicago Police	13:42:44
22	Department"; correct?	13:42:47
23	A That's what the affidavit states.	13:42:47
24	Q And did you, in fact, review Mr. Maldonado's	13:42:49

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1 prior grand jury testimony with him prior to 13:42:51
2 Mr. Bouto's trial? 13:42:54

3 A I'm sure when I sat down with him I 13:42:57
4 reviewed the grand jury testimony. 13:43:02

5 Q Okay. And would that have been before he 13:43:03
6 executed this affidavit? 13:43:07

7 A I believe so. 13:43:09

8 Q Do you remember speaking to him after he 13:43:12
9 executed the affidavit? 13:43:15

10 A No, I did not because I believe an attorney 13:43:16
11 sent me a letter claiming to represent him, said 13:43:22
12 if I wanted to have any contact with him to contact 13:43:26
13 the attorney. So I don't believe I had any contact 13:43:28
14 with him after this affidavit was drafted. 13:43:31

15 Q Okay. And this affidavit didn't change your 13:43:36
16 view of whether or not Mr. Bouto actually 13:43:40
17 confessed to Mr. Vicente in the presence of 13:43:45
18 Mr. Maldonado; is that fair? 13:43:49

19 A That's fair. 13:43:51

20 Q Now, when you met with Mr. Vicente on 13:43:56
21 June 2nd, 1993, did you make any determinations 13:43:58
22 about whether or not he would be housed in the 13:44:01
23 witness quarters? 13:44:02

24 A There were no determinations made at that 13:44:03

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1	point.	13:44:05
2	Q Was it discussed?	13:44:05
3	A No.	13:44:06
4	Q What else was discussed an aside from what	13:44:06
5	he told you about the Bouto case?	13:44:08
6	A Mr. Garvin's visit to him at the jail.	13:44:11
7	MS. BONJEAN: Okay. So let's talk about	13:44:15
8	that real quick. I'm going to ask that this be	13:44:16
9	marked.	13:44:20
10	(An off-the-record discussion was held.)	13:44:20
11	(Dillon Deposition Exhibit 6 marked for	13:44:20
12	identification and attached to the transcript.)	13:44:20
13	BY MS. BONJEAN:	13:44:20
14	Q The first two pages are some handwritten	13:45:51
15	notes. Are those your handwritten notes,	13:45:53
16	Mr. Dillon?	13:45:58
17	A Those are my handwritten notes.	13:45:58
18	Q Okay. And were these notes that you took	13:46:00
19	during your interview with Mr. Vicente on	13:46:02
20	June 2nd, 1993?	13:46:04
21	A I believe so.	13:46:10
22	Q All right. Now there's some disciplinary	13:46:10
23	report findings of fact on page 3. Do you know	13:46:14
24	when you obtained this report?	13:46:18

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1	A	It would have been after my interview with	13:46:20
2		Mr. Vicente.	13:46:22
3	Q	Okay. And the same would be true of this	13:46:23
4		letter that was sent to Mr. Vicente?	13:46:29
5	A	That's correct.	13:46:31
6	Q	Is that something he provided on June 2nd,	13:46:32
7		or did you get that at a later date?	13:46:35
8	A	I got that at a later date.	13:46:36
9	Q	What about the log?	13:46:38
10	A	Got that at a later date.	13:46:39
11	Q	And would that be true, also, of the last	13:46:42
12		two -- well, the next two pages are Part 1,	13:46:45
13		disciplinary report. Do you see that?	13:46:49
14	A	Yes.	13:46:51
15	Q	Is that something you got at a later date?	13:46:51
16	A	Yes. All the rest of those documents I	13:46:54
17		got at a later date.	13:46:56
18	Q	And during this -- and also the memorandum	13:46:58
19		at the back; is that right?	13:47:01
20	A	Yes.	13:47:02
21	Q	And apart from the conversations about	13:47:06
22		Mr. Garvin on June 2nd, 1993, what else did you	13:47:11
23		discuss with Mr. Vicente?	13:47:16
24	A	Nothing.	13:47:18

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1	Q Okay. So you discussed his -- the Bouto --	13:47:19
2	his recollection of what Mr. Bouto told him,	13:47:23
3	right, at Area 5?	13:47:28
4	A That's correct.	13:47:29
5	Q And then the incident with Mr. Bouto's	13:47:29
6	attorney; correct?	13:47:31
7	A Correct.	13:47:32
8	Q And that was it?	13:47:32
9	A That was it.	13:47:35
10	Q Is it your testimony that there was never	13:47:36
11	any discussion in your presence about the Vargas	13:47:39
12	murder?	13:47:45
13	A That's correct.	13:47:45
14	MS. BONJEAN: I'm going to hand you what's	13:47:52
15	been marked Exhibit 2 already.	13:47:53
16	(Dillon Deposition Exhibit 2 marked for	13:47:53
17	identification and attached to the transcript.)	13:48:53
18	MS. BONJEAN: Let me know when you're	13:48:53
19	finished.	13:48:54
20	THE WITNESS: Okay.	13:48:55
21	BY MS. BONJEAN:	13:48:57
22	Q This is a -- I'm going to represent	13:48:57
23	it's a supplemental police report that's dated	13:48:59
24	June 8th, 1993, do you see there at the bottom?	13:49:01

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1	A Yes.	13:49:05
2	Q And it is a report that was prepared by	13:49:05
3	Detective Ernest Halvorsen and Detective Reynaldo	13:49:08
4	Guevara. Do you see that?	13:49:16
5	A Yes.	13:49:16
6	Q And then on the second page in the	13:49:17
7	narrative of the report it mentions that on	13:49:19
8	June 2nd, 1993, the reporting detectives arranged	13:49:21
9	to have Mr. Vicente brought from the Cook County	13:49:24
10	jail to the State's Attorney gang prosecution	13:49:26
11	unit. Do you see that?	13:49:32
12	A Yes.	13:49:32
13	Q And is that the events you recollect and	13:49:33
14	we have been discussing about -- discussing up	13:49:36
15	until this point when you met with Mr. Vicente?	13:49:37
16	A Yes.	13:49:39
17	Q Now, he uses the plural "reporting	13:49:39
18	detectives." Do you have any recollection of	13:49:42
19	Mr. Guevara being there at any point?	13:49:45
20	A No.	13:49:47
21	Q Okay. Do you have a specific memory of	13:49:50
22	Mr. Guevara not being there?	13:49:52
23	A Yes.	13:49:54
24	Q Okay. Now, if you look at the very last	13:49:55

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1	paragraph of this report --	13:50:10
2	A Yes.	13:50:14
3	Q -- it references another meeting between	13:50:15
4	yourself and Mr. Vicente on June 9th?	13:50:17
5	A Yes.	13:50:20
6	Q Do you remember that meeting?	13:50:20
7	A Yes.	13:50:21
8	Q Okay. How did Mr. Vicente get to your	13:50:21
9	offices on June 9th?	13:50:26
10	A Same way. I made a request to the	13:50:27
11	detectives to bring him over.	13:50:30
12	Q Okay. And do you know how the detectives	13:50:31
13	arranged for him to be brought?	13:50:34
14	MR. HORVAT: Objection; speculation,	13:50:36
15	foundation.	13:50:37
16	You can answer if you know.	13:50:38
17	A I don't have personal knowledge of that.	13:50:39
18	I assume that they went to felony review and got	13:50:41
19	a writ.	13:50:42
20	Q I'm confused about something. If you	13:50:42
21	wanted him brought, why didn't you just issue a	13:50:45
22	letter, or a writ, or put in a request to have him	13:50:48
23	brought over?	13:50:50
24	A Because these were kind of a fluid	13:50:51

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1 situation. I mean, typically, you know, this 13:50:56
2 isn't something I put off for 30 days. So I was 13:50:59
3 trying to get him over fast. But I mean, these 13:51:02
4 aren't things that like I anticipated were going 13:51:05
5 to happen, so like I had scheduled to do these 13:51:08
6 things, if that makes any sense to you. 13:51:10

7 Q It doesn't. Because if you were trying to 13:51:12
8 get him over, wouldn't it have been quicker for 13:51:15
9 you to just take care of it as opposed to having 13:51:19
10 the officers go an extra step to do -- 13:51:22

11 A Not really because I had other 13:51:24
12 responsibilities going on. I had, you know, 13:51:26
13 25 other murders going on. So this is something 13:51:28
14 that just -- you know, he contacted the 13:51:31
15 detectives, "Hey, some woman just came over, gave 13:51:33
16 me a pair of gym shoes, and inside the gym shoes 13:51:36
17 was Richard Garvin's card," and then they 13:51:40
18 contacted me. "Detectives, can you make 13:51:43
19 arrangements to bring him over?" That's what 13:51:45
20 happened. 13:51:48

21 Q Okay. And you specifically remember that 13:51:48
22 that is how Mr. Vicente got to your offices, that 13:51:50
23 you told Halvorsen or -- 13:51:52

24 A I made the request for them to get 13:51:55

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1	him, yes.	13:51:58
2	Q Okay. And do you remember him actually	13:51:58
3	being brought over on June 9th, 1993?	13:52:00
4	A Yes.	13:52:02
5	Q And who brought him over?	13:52:03
6	A I believe it was Detective Halvorsen.	13:52:04
7	Q But you're not certain?	13:52:07
8	A I'm not certain.	13:52:09
9	Q Are you able to point to any paperwork that	13:52:10
10	would confirm who came over to the office with	13:52:12
11	Mr. Vicente on June 9th, 1993, other than what	13:52:15
12	I've just --	13:52:19
13	A No.	13:52:20
14	Q Do you know whether you took any notes on	13:52:21
15	that day regarding your interactions with	13:52:23
16	Mr. Vicente?	13:52:26
17	A I don't believe I did.	13:52:27
18	Q Okay. And do you have independent	13:52:28
19	recollection of what was discussed?	13:52:31
20	A Other than my reviewing of this report	13:52:32
21	after litigation was commenced, no.	13:52:37
22	Q Okay. And based on what you see in this	13:52:38
23	report, what is it that was discussed to the best	13:52:42
24	of your knowledge?	13:52:47

Transcript of John Dillon
Conducted on November 13, 2018

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1 A It was discussed that a woman associated
2 with Mr. Garvin had come over to the jail and had
3 given Mr. Vicente a brand-new pair of gym shoes,
4 and inside the shoes was the business card of
5 Mr. Garvin.

6 Q Did you ever interview Mr. Garvin?

7 A No. He was the opposing counsel representing
8 Mr. Bouto.

9 Q Well, he eventually actually withdrew;
10 right?

11 A He withdrew because I had to bring to the
12 Judge's attention that he was a potential witness
13 and couldn't continue to serve as his attorney.

14 Q Right. And once -- whether or not he was
15 representing Mr. Bouto or not, did you make any
16 efforts to ask Mr. Garvin about his conduct in
17 this case?

18 A No.

19 Q I mean, it's -- it's a crime to try to
20 bribe a witness; right?

21 A Yes.

22 Q Okay. That's why you were -- one of the
23 reasons you were looking into it; right?

24 A I was looking into it as it related to my

Transcript of John Dillon
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1 case, the prosecution of Robert Bouto. I wasn't 13:53:45
2 assigned to felony review. The detectives weren't 13:53:51
3 asking or seeking any type of charges against 13:53:55
4 Mr. Garvin to my knowledge, and if they did, 13:53:57
5 they'd direct that to felony review, not to me. 13:53:59

6 Q Did you try to determine who this woman 13:54:02
7 was that allegedly showed up at Cook County with 13:54:05
8 these items for -- 13:54:09

9 A Other than -- 13:54:09

10 Q Hold on -- with the items for Mr. Vicente? 13:54:10

11 A Other than interviewing Mr. Vicente, no. 13:54:10

12 Q And you didn't corroborate that either; 13:54:12
13 right? 13:54:15

14 A I'm sorry? 13:54:16

15 MS. ROSEN: Object to the form. 13:54:16

16 Q You didn't corroborate his statement that 13:54:17
17 this woman showed up with these items; right? 13:54:19

18 A It was my understanding that he had shown 13:54:21
19 a new pair of gym shoes to the detectives. 13:54:23

20 Q Okay. 13:54:27

21 A Or was wearing new gym shoes when he came 13:54:27
22 there, and he said that's where he got them from. 13:54:31

23 Q Again, he was wearing new gym shoes, but 13:54:33
24 you can't point me to anything to show that you 13:54:36

Transcript of John Dillon
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1	corroborated that it was Garvin's associate that	13:54:39
2	brought these gym shoes to him; right?	13:54:41
3	A Mr. Vicente told me that that would be the	13:54:44
4	corroboration of it.	13:54:47
5	Q No, that's Mr. Vicente's statement. Was	13:54:48
6	there any corroboration of his statement?	13:54:50
7	A And his statement is corroboration of that.	13:54:52
8	The gym shoes he's wearing is a corroboration of	13:54:52
9	that statement.	13:54:55
10	Q It's the corroboration that he had gym	13:54:56
11	shoes. It's not corroboration that Mr. Garvin's	13:54:59
12	assistant brought him gym shoes; right?	13:55:02
13	A I would disagree with that.	13:55:04
14	Q Okay. Well, his wife could have brought	13:55:06
15	his gym shoes; right?	13:55:07
16	A Anything is possible.	13:55:09
17	Q Again, did you do anything other than talk	13:55:10
18	to Mr. Vicente to confirm that it was actually	13:55:12
19	Mr. Garvin's assistant that brought him these gym	13:55:14
20	shoes?	13:55:18
21	A Other than talking to Mr. Vicente and	13:55:19
22	looking at the new pair of gym shoes, no.	13:55:20
23	MS. BONJEAN: I want to now show you --	13:55:24
24	can you mark this one, please?	13:55:28

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1 (Dillon Deposition Exhibit 9 marked for 13:55:28
2 identification and attached to the transcript.) 13:56:08

3 MS. BONJEAN: Let me know when you're 13:56:08
4 finished reviewing this document, please. 13:56:10

5 THE WITNESS: Okay. 13:56:31

6 BY MS. BONJEAN: 13:56:31

7 Q Are you familiar with this police report 13:56:34
8 that's been marked Exhibit 9? 13:56:35

9 A I was -- I familiarized myself with it 13:56:37
10 after this litigation commenced. 13:56:40

11 Q I'd like to draw your attention to page 2 13:56:41
12 of Exhibit -- well, let's first identify what it 13:56:47
13 is. This is a supplemental report regarding the 13:56:51
14 murder of Rodrigo Vargas. Would you agree 13:56:53
15 with that? 13:56:59

16 A I would agree with that. 13:56:59

17 Q Okay. And it reflects that it was 13:57:01
18 submitted on June 2nd, 1993; correct? 13:57:02

19 A That's what it states. 13:57:06

20 Q And it purports to be prepared by Detective 13:57:09
21 Ernest Halvorsen and Detective Guevara; correct? 13:57:13

22 A Correct. 13:57:15

23 Q Now, in the second page of the narrative 13:57:16
24 it references, "On June 2nd, 1993, reporting 13:57:19

Transcript of John Dillon
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1 detectives had a meeting with a circumstantial
2 witness who for his own safety must remain
3 anonymous at this time." Do you see that?

13:57:22

13:57:25

13:57:29

4 A Yes.

13:57:31

5 Q Okay. Would you agree that that -- we now
6 know that that circumstantial witness later turned
7 out to be Francisco Vicente?

13:57:31

13:57:34

13:57:38

8 A Yes, I would agree with that.

13:57:41

9 Q Okay. And reporting detectives indicate
10 that they interviewed Mr. Vicente on June 2nd, 1993,
11 in connection with his knowledge about the Vargas
12 murder; correct?

13:57:42

13:57:44

13:57:50

13:57:55

13 A That's what the report indicates.

13:57:56

14 Q Okay. And do you know where that meeting
15 took place?

13:57:57

13:58:01

16 A I believe it took place in the gang unit.

13:58:02

17 Q Okay. And what makes you think that?

13:58:06

18 A Because while I was out of the interview
19 room, at some point Detective Halvorsen came out
20 and said, "He just gave us another murder."

13:58:08

13:58:14

13:58:21

21 THE COURT REPORTER: I'm sorry. What?

13:58:21

22 THE WITNESS: "He just gave us another
23 murder."

13:58:21

13:58:25

24 Q Okay. So there was a point at which you

13:58:25

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Conducted on November 13, 2018

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1	left the interview room and left Mr. Vicente and	13:58:28
2	Mr. Halvorsen alone together?	13:58:32
3	A I was in and out of the interview room a	13:58:35
4	fair amount, actually.	13:58:37
5	Q All right. So you were coming in and out?	13:58:38
6	A Yes.	13:58:40
7	Q Okay. And why was that?	13:58:40
8	A Because I had other responsibilities.	13:58:42
9	Q Okay. And once you were able to confirm	13:58:44
10	the statement that Mr. Vicente gave regarding the	13:58:48
11	Ruvalcaba murder and this matter with Mr. Garvin,	13:58:52
12	why did they stick around?	13:58:55
13	MR. HORVAT: Objection; foundation,	13:58:57
14	speculation.	13:58:59
15	You can answer if you know.	13:59:01
16	A I don't know that they did stick around.	13:59:01
17	Q Okay. Well, they stuck around long enough	13:59:03
18	for him to give up another murder; right?	13:59:06
19	A Yes.	13:59:08
20	Q Okay. And after Mr. Halvorsen -- or	13:59:09
21	Detective Halvorsen told you he just gave another	13:59:16
22	murder, what did you do?	13:59:18
23	A I didn't do anything.	13:59:19
24	Q What did you say?	13:59:21

Transcript of John Dillon
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1	A Okay. I didn't say anything. I mean,	13:59:22
2	what was there for me to say?	13:59:28
3	Q Oh, I don't know. You're a prosecutor in	13:59:30
4	a gang crimes unit, and a lead detective tells you	13:59:34
5	that Mr. Vicente just told you about another	13:59:37
6	murder. I don't know, I'm like --	13:59:39
7	MS. ROSEN: Is there a question? I don't	13:59:43
8	know.	13:59:46
9	MS. BONJEAN: I'm getting there; I'm	13:59:46
10	getting there, but if you want to voice an	13:59:48
11	objection before I get there, go right ahead.	13:59:49
12	MS. ROSEN: Go ahead. You sounded like --	13:59:54
13	you just kept saying "I don't know, I don't know,"	13:59:57
14	and I interpreted that as being the end of your	13:59:59
15	question.	14:00:01
16	Q Well, I'm just wondering, is it your	14:00:01
17	testimony you said absolutely nothing in response	14:00:04
18	to that?	14:00:05
19	A Yes.	14:00:06
20	Q Did you say, "Hey, what was this -- what's	14:00:06
21	the murder?"	14:00:07
22	A No.	14:00:08
23	Q So Detective Halvorsen tells you, "He just	14:00:08
24	gave us another murder," and you just sit there in	14:00:13

Transcript of John Dillon
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1	silence?	14:00:16
2	A There's nothing to respond to that. I'm	14:00:16
3	not involved in that case.	14:00:19
4	Q Well, why did he tell you then? Do you know?	14:00:21
5	A I have no idea why he told me that.	14:00:23
6	Q So Detective Halvorsen tells you that	14:00:26
7	Frankie Vicente just told you -- told him about	14:00:29
8	another murder. Detective Halvorsen then tells	14:00:32
9	you that, "He gave us another murder," and your	14:00:37
10	response is complete silence?	14:00:39
11	MR. HORVAT: Objection. That --	14:00:42
12	Q Is that fair?	14:00:43
13	MR. HORVAT: -- misstates his testimony.	14:00:44
14	You can answer if you know.	14:00:46
15	A I don't know if it was complete silence,	14:00:47
16	but I didn't ask him for any of the details.	14:00:50
17	Q Did you ask him anything?	14:00:52
18	A About what this other murder was, no, I	14:00:55
19	<u>did not.</u>	14:00:55
20	Q Okay. Where did the conversation take	14:00:55
21	<u>place?</u>	14:00:58
22	A Where did what conversation take place?	14:00:58
23	Q Where Detective Halvorsen tells you, "He	14:01:01
24	<u>gave us another murder."</u>	14:01:04

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1	A	On the 13th floor in the gang unit outside	14:01:04
2		of the conference room that Mr. Vicente was in.	14:01:08
3	Q	Okay. In the hallway, somewhere else?	14:01:10
4	A	As I explained to you, there's that big	14:01:11
5		open area.	14:01:14
6	Q	Right.	14:01:15
7	A	So if you step out of that conference	14:01:15
8		room, you're in the big open area of the gang	14:01:17
9		unit. That's where he told me that.	14:01:20
10	Q	So Detective Halvorsen steps out of the	14:01:22
11		conference room and says, "Assistant State's	14:01:24
12		Attorney Dillon" --	14:01:28
13	A	He said, "He just gave us another murder."	14:01:28
14		<u>Those were the exact words.</u>	14:01:30
15	Q	And you -- and you didn't respond in any	14:01:32
16		way, shape, or form?	14:01:34
17	MR. HORVAT:	Objection --	14:01:35
18	MS. ROSEN:	Asked and answered.	14:01:36
19	MR. HORVAT:	-- asked and answered.	14:01:40
20	A	No.	14:01:40
21	Q	Where was Matt Coghlan?	14:01:40
22	A	I don't know.	14:01:44
23	Q	Did you see him at all on June 2, 1993?	14:01:45
24	A	<u>I can't recall.</u>	14:01:48

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1	Q But you don't -- you can't say whether he	14:01:49
2	was there or not there?	14:01:50
3	A I didn't have personal contact with him.	14:01:51
4	So no, I can't tell you whether he was or was not	14:01:53
5	there. I don't know.	14:01:56
6	Q Okay. He worked in that unit, though; right?	14:01:57
7	A He did.	14:01:59
8	Q Where was his office in relationship to	14:02:00
9	your office?	14:02:02
10	A My office was on the south wall, and his	14:02:02
11	office was on the east wall. So kitty-corner.	14:02:11
12	Q Okay. And did you work every day from	14:02:15
13	your office?	14:02:17
14	A When I wasn't in court, yes.	14:02:19
15	Q And do you know if Mr. Coghlan worked	14:02:22
16	every day from the office?	14:02:25
17	MR. HORVAT: Objection --	14:02:27
18	A I can't --	14:02:27
19	MR. HORVAT: -- speculation, foundation.	14:02:28
20	A I can't speak as to what Mr. Coghlan did.	14:02:29
21	Q Okay. Did you see him in the office?	14:02:32
22	A I'm sure I did.	14:02:33
23	Q All right. Now, after -- strike that.	14:02:34
24	When you were coming in and out of the	14:02:44

Transcript of John Dillon
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1	conference room, what were you doing?	14:02:45
2	A I was working on other matters. Because I	14:02:47
3	believe, as I previously said, this incident with	14:02:50
4	Mr. Garvin took place on May 31st. So this was	14:02:53
5	June 2nd. So my schedule is such that I had other	14:02:57
6	responsibilities that day. So I was, for lack of	14:03:03
7	a better word, squeezing in this interview	14:03:06
8	concerning the Bouto case on very short notice.	14:03:09
9	So I was trying to juggle more than just that.	14:03:13
10	Q Okay. And when you were coming in and out	14:03:16
11	of the room, were you listening? Did you come in	14:03:25
12	and interject, or were you just checking in? I	14:03:31
13	don't know what your purpose was in coming in and	14:03:36
14	out. Can you explain that more?	14:03:38
15	A I would go into the interview room, speak	14:03:40
16	with Mr. Vicente regarding his knowledge of what	14:03:43
17	Mr. Bouto told him while he was in the lockup with	14:03:45
18	him and also as to Mr. Garvin. In the course of	14:03:48
19	either between those two statements or that, I	14:03:52
20	left.	14:03:56
21	So I didn't get up and leave in the middle	14:03:56
22	of him telling me something, but when there was a	14:03:59
23	break, I left for whatever else was calling my	14:04:02
24	attention at that time.	14:04:05

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1	Q Okay. And how long was Mr. Vicente in	14:04:07
2	your offices on June 2nd, 1993?	14:04:15
3	A I don't think real long. Maybe an hour.	14:04:21
4	I'm just guessing.	14:04:27
5	Q All right. And did he make any statements	14:04:31
6	about any other people confessing murder to him	14:04:34
7	while he was there, as far as you know?	14:04:38
8	A As far as I know, no.	14:04:40
9	Q Do you know whether he mentioned anything	14:04:41
10	about the Iglesias murder?	14:04:43
11	A I didn't know he had mentioned anything	14:04:47
12	about the Serrano/Montanez murder. Like I said,	14:04:48
13	Detective Halvorsen said, "He just gave us another	14:04:52
14	murder." That was the extent of what was said	14:04:54
15	to me.	14:04:57
16	Q Now, we know that -- all right. So we	14:05:01
17	know Mr. Vicente came up to your offices on	14:05:38
18	June 2nd, 1993, and you also agree that he came up	14:05:39
19	again on --	14:05:44
20	A June the 9th.	14:05:46
21	Q -- June 9th; right?	14:05:47
22	A Yes.	14:05:49
23	Q On June 9th, 1993, did you discuss his	14:05:49
24	housing situation or where he would be housed?	14:06:02

Transcript of John Dillon
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1	A No.	14:06:04
2	Q Apart from discussing the mystery woman	14:06:04
3	who dropped off a bag of items to him, what other	14:06:07
4	things did you discuss on June 9th, 1993?	14:06:09
5	A Nothing that I recall other than I believe	14:06:13
6	the detectives had mentioned to me that he was --	14:06:18
7	or had run into Bouto in the jail and that they	14:06:23
8	felt he should be moved to a different part of	14:06:28
9	the jail.	14:06:30
10	Q Okay. So who mentioned that to you?	14:06:31
11	A One of the detectives.	14:06:33
12	Q Was it Guevara or Halvorsen?	14:06:34
13	A I believe it was Halvorsen.	14:06:36
14	Q Okay. But it could have been Detective	14:06:38
15	Guevara?	14:06:43
16	A On June the 2nd, no. On June 9th I don't	14:06:44
17	have an independent recollection as to whether or	14:06:49
18	not they were both there. I believe it was just	14:06:50
19	Detective Halvorsen.	14:06:52
20	Q Now, on June 9th, 1993, was there any	14:06:53
21	mention by any of the parties, whether it was	14:06:56
22	Mr. Vicente, Mr. Halvorsen, or Mr. Guevara about	14:06:59
23	the Serrano/Montanez case?	14:07:02
24	A Not in my presence.	14:07:04

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Conducted on November 13, 2018

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1	Q Do you know whether there was any mention	14:07:05
2	about that case in front of your colleague,	14:07:08
3	Mr. Coghlan?	14:07:12
4	A Not to my knowledge.	14:07:12
5	Q Well, you don't know one way or the other;	14:07:13
6	right?	14:07:16
7	A No.	14:07:16
8	Q What else was discussed? Anything else on	14:07:17
9	June 9th, 1993?	14:07:21
10	A No.	14:07:22
11	Q Why bring him over for this discussion?	14:07:23
12	A Because I wanted this documented in the	14:07:25
13	police reports because I foresaw that this was a	14:07:27
14	potential issue that was going to arise if this	14:07:30
15	case went to trial. And it would arise to the	14:07:33
16	extent that I believed it disqualified Mr. Garvin	14:07:37
17	from continuing his representation of Mr. Bouto,	14:07:40
18	so I wanted it documented in a police report that	14:07:43
19	was going to be tendered in discovery to Mr. Garvin.	14:07:46
20	Q Okay. And it was documented -- you didn't	14:07:49
21	make any separate documentation of the conversation;	14:07:52
22	correct?	14:07:55
23	A Correct.	14:07:55
24	Q Now, Mr. Vicente appeared in court shortly	14:07:57

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1	thereafter, is that -- on his own robbery cases;	14:08:09
2	right?	14:08:12
3	A I don't know.	14:08:12
4	Q Well, you did look up his -- his criminal	14:08:13
5	background; right?	14:08:17
6	A I'm sure at some point I was aware of it.	14:08:18
7	Q On actually June 3rd, 1993, does that	14:08:22
8	sound right?	14:08:26
9	A No, it doesn't sound right.	14:08:27
10	(Dillon Deposition Exhibit 10 marked for	14:08:27
11	identification and attached to the transcript.)	14:09:08
12	MS. BONJEAN: Let me know when you're	14:09:08
13	finished perusing this exhibit.	14:09:10
14	THE WITNESS: Okay.	14:09:17
15	BY MS. BONJEAN:	14:09:17
16	Q Okay. Can you tell me what Frankie	14:09:20
17	Vicente's IR number is?	14:09:25
18	A Based on this -- what you've tendered	14:09:27
19	to me?	14:09:30
20	Q Well, yes, based on what I've tendered	14:09:30
21	to you.	14:09:33
22	A His IR number is 858827.	14:09:34
23	Q Okay. And if you could look at the last	14:09:44
24	page, could you tell me what the IR number is in	14:09:48

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1	the right-hand corner?	14:09:52
2	A 858827.	14:09:53
3	Q All right. And I'd ask that you look sort	14:09:55
4	of midway down in that bold where it reflects --	14:09:58
5	it says ASA Dillon. Do you see that?	14:10:04
6	A Yes.	14:10:08
7	Q Okay. And would you agree that this	14:10:09
8	reflects that you were requesting the criminal	14:10:10
9	history of Mr. Vicente?	14:10:12
10	A No.	14:10:14
11	Q Oh, what does this reflect then?	14:10:15
12	A It's a record that's maintained by the	14:10:18
13	Chicago Police Department. So I had nothing to do	14:10:23
14	with the preparation of it, and I don't have any	14:10:26
15	recollection of asking for his criminal history to	14:10:28
16	a police officer. If I wanted to, I could call	14:10:31
17	down to our LEADS department and get that myself.	14:10:35
18	Q Okay. So your -- you think someone just	14:10:38
19	filled this in without --	14:10:41
20	A I think someone said -- someone put my	14:10:42
21	name down as requesting this criminal history,	14:10:44
22	yes, that's exactly what I believe.	14:10:47
23	Q Why would they do that? Do you have any	14:10:48
24	thoughts?	14:10:50

Transcript of John Dillon
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1	MR. HORVAT: Objection; speculation.	14:10:50
2	A No idea.	14:10:51
3	Q It's not at all possible that you had	14:10:52
4	asked for it?	14:10:55
5	A If I had asked for it, I would have	14:10:55
6	contacted our LEADS department. It's located on	14:10:58
7	the first floor of the criminal courts building.	14:11:00
8	That's where we get all our criminal histories.	14:11:02
9	All I have to do is pick up the phone and make a	14:11:02
10	phone call, and they'll fax it to my office. So	14:11:05
11	yeah, I'm positive --	14:11:09
12	Q Okay.	14:11:09
13	A -- that this isn't me.	14:11:10
14	Q So someone represented you or represented	14:11:11
15	that they were acting on your behalf you think?	14:11:14
16	MR. HORVAT: Objection; speculation.	14:11:17
17	MS. ROSEN: Object to the form, calls for	14:11:18
18	speculation.	14:11:20
19	A It appears that someone used my name to	14:11:20
20	request his criminal history. That's what this	14:11:23
21	document appears to tell me.	14:11:27
22	Q All right. Fine. Now, at some point it	14:11:28
23	was decided that Mr. Vicente would go into witness	14:11:42
24	quarters. Do you remember when that happened?	14:11:44

Transcript of John Dillon
Conducted on November 13, 2018

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1	A Yes.	14:11:47
2	Q Okay. When?	14:11:48
3	A It was July 7th that he went into the	14:11:49
4	witness quarters of 1993, but it was within a few	14:11:52
5	days before that. The detectives requested that	14:11:58
6	he be placed in the witness quarters because he	14:12:04
7	was in the same division as Gerardo Iglesias, and	14:12:07
8	according to Mr. Vicente, Mr. Iglesias confessed	14:12:11
9	his involvement in the murder to him.	14:12:16
10	So the detectives said to me that if	14:12:19
11	Mr. Iglesias eventually got wind of the fact based	14:12:22
12	on reports that were being generated that	14:12:25
13	Mr. Vicente had snitched on him that his life	14:12:27
14	would be in jeopardy, and he needed to be moved.	14:12:29
15	So based on that representation, I then took the	14:12:32
16	steps to seek to have him placed in witness	14:12:35
17	quarters.	14:12:40
18	Q You actually took steps to have him placed	14:12:40
19	in the same cell as Mr. Iglesias, didn't you?	14:12:42
20	A No, that's not true. I have no control	14:12:46
21	over where the jail puts people.	14:12:48
22	Q Well, you do have control over how someone	14:12:50
23	gets moved into one place or another if you want;	14:12:53
24	right?	14:12:56

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1	A No.	14:12:57
2	Q Okay. You became aware that Mr. Iglesias	14:12:57
3	also confessed to Mr. Vicente at some point;	14:13:01
4	correct?	14:13:03
5	A After the advent of this litigation, yes --	14:13:03
6	well, I take that back. When the detectives	14:13:08
7	approached me and said that he did, yes, but I	14:13:11
8	wasn't given any of the details.	14:13:14
9	Q Okay. So -- and, in fact, you were aware	14:13:15
10	certainly at the time that you were litigating	14:13:18
11	this case that he had purportedly heard	14:13:21
12	confessions from five different people; right?	14:13:25
13	A Yes.	14:13:31
14	Q And that he was not actually an eyewitness	14:13:32
15	to any of the crimes but that in three separate	14:13:36
16	cases a total of five defendants had confessed to	14:13:40
17	him; right?	14:13:43
18	A I was aware of the fact that five defendants	14:13:44
19	had confessed to him. I was not aware of the facts	14:13:47
20	of either of the other two cases besides Bouto	14:13:52
21	because I wasn't involved in any way, shape, or	14:13:56
22	form in the prosecution or investigation of those	14:13:59
23	cases.	14:14:00
24	Q Well, you're familiar with something	14:14:00

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1	called Brady v. Maryland; right?	14:14:02
2	A Yes.	14:14:05
3	Q Okay. And would you agree that in your	14:14:06
4	handling of the Bouto case you had an obligation	14:14:08
5	to let defense counsel know about Mr. Vicente's	14:14:13
6	involvement in other cases?	14:14:18
7	A If I called him as a witness, yes.	14:14:19
8	Q Well, not just if you call him as a	14:14:21
9	witness; right?	14:14:24
10	A <u>No. If I call him as a witness.</u>	14:14:25
11	Q So it's your testimony that you have no	14:14:27
12	Brady obligation until you decide to call Mr. Bouto	14:14:30
13	as a witness?	14:14:34
14	A As it relates to two other cases that	14:14:35
15	aren't in the courtroom, yes, that's exactly what	14:14:38
16	I'm saying.	14:14:40
17	Q Well, doesn't Brady just stand for the	14:14:40
18	proposition that you have an obligation to	14:14:44
19	disclose --	14:14:48
20	A Tender discovery on a matter that I'm	14:14:49
21	litigating and that's what I said.	14:14:51
22	Q I'm going to ask you to let me finish my	14:14:53
23	question. Doesn't Brady just stand for the	14:14:54
24	proposition that you have an obligation to disclose	14:14:56

1	exculpatory evidence?	14:14:58
2	A Yes.	14:15:00
3	Q Okay. And exculpatory evidence can also	14:15:01
4	be matters that relate to credibility or impeachment;	14:15:05
5	right?	14:15:09
6	A Exculpatory evidence is evidence which	14:15:10
7	negates guilt. So I don't know how him getting a	14:15:13
8	confession on four other people negates	14:15:16
9	Mr. Bouto's guilt.	14:15:20
10	Q That's not my question. My question is,	14:15:21
11	would you agree that under your Brady obligations	14:15:23
12	you have an obligation to also disclose to	14:15:26
13	opposing counsel matters that relate to a witness'	14:15:29
14	credibility or matters that relate to potential	14:15:33
15	impeachment of that witness?	14:15:37
16	MR. HORVAT: Object to form.	14:15:38
17	Do you understand the question?	14:15:40
18	A I don't understand your question.	14:15:41
19	Q Are you familiar with a U.S. Supreme Court	14:15:43
20	case called Kyles v. Whitley?	14:15:45
21	A Not off the top of my head.	14:15:48
22	Q Okay. So what do you understand your	14:15:50
23	Brady obligations to encompass?	14:15:52
24	MR. HORVAT: Objection; asked and answered.	14:15:55

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1	A That I have to tender any discovery that	14:15:57
2	exists on my case, including evidence which is	14:15:59
3	exculpatory in nature.	14:16:02
4	Q Okay. And --	14:16:05
5	A And I don't believe that the Iglesias case	14:16:07
6	file or the Serrano/Montenez/Pacheco case file was	14:16:10
7	exculpatory as it relates to Mr. Bouto which I had	14:16:12
8	the discovery obligation to provide discovery on.	14:16:17
9	Q Well, doesn't it relate to Mr. Vicente's	14:16:17
10	credibility?	14:16:20
11	A No, I don't believe it does.	14:16:20
12	Q So the fact that Mr. Vicente claims that	14:16:23
13	five different defendants confessed murder to him,	14:16:26
14	and it was the same officers involved in all	14:16:29
15	three cases didn't at all lead you to believe that	14:16:32
16	that was something that needed to be disclosed to	14:16:36
17	opposing counsel?	14:16:39
18	MR. HORVAT: Objection; asked and	14:16:39
19	answered.	14:16:40
20	A That's correct.	14:16:40
21	Q Under your Brady obligations?	14:16:41
22	A That's correct.	14:16:43
23	Q Did it just personally give you pause that an	14:16:43
24	awful a lot of people are confessing to Mr. Vicente?	14:16:47

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1 A If you can explain to me what you mean by
2 "pause."

3 Q Well, did it concern you that there were
4 five different people who claimed to have confessed
5 to someone that they didn't know?

6 A The only thing I was concerned about --
7 MS. ROSEN: Objection; misstates the
8 record.

9 A (Continuing.) The only thing I was
10 concerned about was the Bouto case and my
11 obligations under that because that's the only
12 case I was involved in the prosecution of.

13 Q And your testimony here today is that in
14 your capacity as a prosecutor in the Bouto
15 prosecution, you did not see it as part of your
16 Brady obligations to disclose any information to
17 Mr. Bouto's counsel regarding Vicente's statements
18 in the Serrano, Montanez, Pacheco litigation
19 and/or the Geraldo Iglesias litigation?

20 A That's correct.

21 MS. BONJEAN: I'm going to ask that you
22 mark this, please. I'm sorry; I didn't mean to
23 throw it at you.

24 THE COURT REPORTER: Exhibit 11.

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1 (Dillon Deposition Exhibit 11 marked for 14:17:45
2 identification and attached to the transcript.) 14:18:05

3 Q I'm going to ask you what's been marked 14:18:05
4 Exhibit 11. Do you recognize this? 14:18:09

5 A Yes. 14:18:11

6 Q What is it? 14:18:12

7 A This is an order from Judge Suria releasing 14:18:13
8 Mr. Vicente to go to the witness quarters. 14:18:16

9 Q Why was Mr. Vicente released on an I bond 14:18:18
10 to go to witness quarters? 14:18:21

11 A Because that's the procedure, the mechanism 14:18:22
12 for them to be released under a D bond because 14:18:24
13 when under a D bond they have to be housed in the 14:18:28
14 main part of the jail. That's my understanding. 14:18:31

15 Q I thought the witness quarters was part of 14:18:33
16 the Cook County jail, though. 14:18:36

17 A I believe it was. 14:18:37

18 Q All right. But why then -- again, you may 14:18:38
19 not know the answer. I'm just trying to understand 14:18:42
20 why he would have had to have been released on an 14:18:44
21 I bond to go to the witness quarters. 14:18:47

22 A That's the way it was explained to me. 14:18:49
23 That's the mechanism that had to happen for him to 14:18:52
24 be placed in the witness quarters. 14:18:55

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1	Q Okay. And would this -- this seems to	14:18:57
2	corroborate your testimony that it's your belief	14:19:03
3	that July 7th is when he went into the witness	14:19:07
4	quarters?	14:19:10
5	A That's correct.	14:19:10
6	Q Do you remember speaking with Mr. Vicente	14:19:28
7	before he testified before the grand jury in the	14:19:30
8	Serrano/Montanez case?	14:19:38
9	A The only time that I spoke with Mr. Vicente	14:19:40
10	prior to his grand jury appearance in that case	14:19:43
11	was on June 2nd and on June 9th that we've	14:19:45
12	discussed already.	14:19:49
13	Q When did you find out that Mr. Vicente had	14:19:50
14	alleged that Serrano, Montanez, and Pacheco had	14:19:54
15	confessed to the murder of Rodrigo Vargas to him?	14:20:00
16	A Probably sometime in late June or early	14:20:06
17	July of 1993.	14:20:09
18	Q And how did you find out?	14:20:10
19	A Because I recall that felony review was	14:20:12
20	contacted and came down to the gang crimes unit	14:20:19
21	and took a handwritten statement from Francisco	14:20:24
22	Vicente regarding that investigation.	14:20:28
23	Q Okay. And were you present when that	14:20:30
24	handwritten statement was taken?	14:20:33

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1	A No.	14:20:34
2	Q Did you see Mr. Vicente in the gang crimes	14:20:35
3	unit when he was giving a handwritten statement in	14:20:39
4	the Serrano/Montanez case?	14:20:43
5	A I don't recall. I mean, I know I wasn't	14:20:45
6	present because I would have been listed as a	14:20:48
7	witness to the statement.	14:20:51
8	Q Right. But, again, did you see him in the	14:20:51
9	gang crimes unit?	14:20:54
10	A I don't recall.	14:20:55
11	Q Do you remember speaking to him in the gang	14:20:56
12	crimes unit on the date that he was back up there	14:21:01
13	making a statement in the Serrano/Montanez case?	14:21:04
14	MR. HORVAT: Objection; asked and answered.	14:21:07
15	A No, I would have avoided having any contact	14:21:08
16	with him.	14:21:11
17	Q Why is that?	14:21:12
18	A Because I didn't want to inject myself in	14:21:12
19	any way, shape, or form as a witness to any of the	14:21:17
20	prosecutions.	14:21:19
21	Q As a witness?	14:21:20
22	A Yes.	14:21:23
23	Q Why would you be a witness?	14:21:24
24	A Because if I went to Mr. Vicente, and	14:21:25

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1 Mr. Vicente started telling me about other people 14:21:28
2 confessing a murder to him, then as far as I'm 14:21:33
3 concerned I'm a witness to that statement, and 14:21:36
4 that makes me a witness in that prosecution. 14:21:38

5 Q Well, not -- I mean, if you have someone 14:21:40
6 else present, it wouldn't; right? 14:21:44

7 A No -- 14:21:45

8 MR. HORVAT: Objection; argumentative. 14:21:45

9 A -- somebody can call me as a witness, 14:21:46
10 absolutely. 14:21:49

11 Q Well, you interviewed Mr. Vicente as part 14:21:49
12 of the Bouto prosecution. 14:21:52

13 A Yes. But I was trying that case. 14:21:54

14 Q Okay. So -- 14:21:54

15 A I wasn't involved in the prosecution of 14:21:56
16 Serrano and Montanez. 14:21:58

17 Q You were a member of the Cook County 14:21:59
18 State's Attorney's Office; right? 14:22:01

19 A Yes. 14:22:02

20 Q Okay. Now, is it your testimony that you 14:22:03
21 didn't have any information about the Serrano/ 14:22:07
22 Montanez prosecution other than just generally 14:22:10
23 Mr. Vicente had provided statements in that case? 14:22:15

24 A At what point in time? 14:22:18

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1	Q In late June.	14:22:20
2	A That's correct.	14:22:23
3	Q Okay. Did you ever speak with Mr. Vicente	14:22:23
4	at any point about -- about the statements that he	14:22:25
5	claims that Mr. Serrano and Mr. Montanez made in	14:22:33
6	the Vargas matter?	14:22:40
7	A No.	14:22:41
8	Q Never asked him about it?	14:22:42
9	A Never asked him about it.	14:22:43
10	Q Did you ever ask him about the statements	14:22:44
11	that Iglesias purportedly made to him?	14:22:46
12	A Never asked him about it.	14:22:51
13	Q Didn't ask how those came to be or anything	14:22:52
14	of that nature?	14:22:55
15	A No.	14:22:56
16	Q And the fact that Mr. Vicente had claimed	14:22:56
17	all these people confessed to him was not something	14:22:57
18	that concerned you because you were just focused	14:23:00
19	on the Bouto matter; is that fair?	14:23:03
20	MR. HORVAT: Objection; asked and	14:23:06
21	answered.	14:23:07
22	A That's fair.	14:23:07
23	THE VIDEOGRAPHER: We are going off the	14:23:09
24	record. The time is 2:23 p.m.	14:23:10

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1	(Recess taken, 2:23 p.m. to 2:38 p.m.)	14:23:14
2	THE VIDEOGRAPHER: We are back on the	14:38:12
3	record. The time is 2:38 p.m.	14:38:15
4	BY MS. BONJEAN:	14:38:21
5	Q Mr. Dillon, so you have testified that you	14:38:23
6	have a specific recollection of the June 2nd, 1993,	14:38:25
7	meeting with Mr. Vicente; right?	14:38:28
8	A Correct.	14:38:30
9	Q And you've also specifically recalled a	14:38:30
10	meeting on June 9th, 1993; right?	14:38:34
11	A Correct.	14:38:37
12	Q And it's your testimony that in neither of	14:38:37
13	those meetings did Mr. Vicente mention his	14:38:40
14	knowledge in these other murders, the ones of	14:38:43
15	Rodrigo Vargas and Monica Roman; right?	14:38:48
16	A In my presence, that's correct.	14:38:53
17	Q When was the next time that you saw	14:38:55
18	Mr. Vicente, if you have a recollection of doing so?	14:38:58
19	A Could you clarify --	14:39:00
20	Q Sure.	14:39:00
21	A -- that question for me, please?	14:39:03
22	Q So we know that on June 9th, 1993, you	14:39:05
23	remember him being there in the offices, and we	14:39:09
24	know on July 7th we've have established is when he	14:39:11

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1	went into the witness quarters. Do you have a	14:39:14
2	recollection of speaking with him in between those	14:39:16
3	two dates?	14:39:19
4	A I'm sorry. From --	14:39:20
5	Q From June 9th to July 7th.	14:39:22
6	A No, I didn't speak with him between those	14:39:26
7	dates.	14:39:29
8	Q And how do you know that?	14:39:30
9	A Because I know what my involvement was in	14:39:31
10	speaking with him was the Bouto case, and those	14:39:33
11	were the two instances that I spoke with him on	14:39:35
12	the Bouto case up until that point in time.	14:39:39
13	Q Okay. And what information, if any, did	14:39:41
14	you receive about the Roman murder and/or the	14:39:46
15	Vargas murder between the dates of June 9th and	14:39:48
16	July 7th, if anything?	14:39:51
17	A The only information that I recall receiving	14:39:54
18	was a detective saying to me that Mr. Vicente was	14:39:57
19	in the same division of the jail and in close	14:40:03
20	proximity to Mr. Iglesias, and because of that he	14:40:07
21	needed to be moved.	14:40:10
22	Q Did the detective mention to you that	14:40:12
23	Mr. Iglesias had purportedly confessed or made	14:40:16
24	inculpatory statements to Mr. Vicente?	14:40:22

Transcript of John Dillon
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1	A Not to my recollection, no.	14:40:25
2	Q Do you remember when you first learned	14:40:27
3	that Mr. Iglesias had also made statements to	14:40:29
4	Mr. Vicente?	14:40:33
5	A No, not really.	14:40:34
6	Q Okay. So now, at what point did you discuss	14:40:41
7	with Mr. Vicente the fact that the State's Attorney's	14:40:47
8	Office was going to recommend a mandatory minimum	14:40:51
9	sentence for him in exchange for his testimony in	14:40:55
10	three murder cases?	14:40:58
11	A That would have been with his public	14:40:59
12	defender.	14:41:03
13	Q And who was his public defender?	14:41:03
14	A I believe it was Bob Cavanaugh.	14:41:06
15	Q So did you ever have any conversations	14:41:09
16	with Mr. Vicente directly about the fact that your	14:41:11
17	office was willing to recommend a mandatory minimum	14:41:16
18	sentence for all four robbery cases, three of	14:41:21
19	which were armed robberies?	14:41:24
20	A I had those conversations with his lawyer.	14:41:26
21	Q You didn't have those conversations with	14:41:28
22	him at all?	14:41:30
23	A Correct.	14:41:30
24	Q Never discussed it with him in the presence	14:41:31

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1	of Detective Halvorsen and/or Guevara?	14:41:33
2	A Correct.	14:41:37
3	Q Did you ever discuss it with Matt Coghlan?	14:41:38
4	A No.	14:41:40
5	Q Well, who was it that decided that he	14:41:41
6	should be given this benefit?	14:41:43
7	A My recollection is his attorney came to	14:41:44
8	us -- me, and asked for consideration for his	14:41:47
9	testimony in these cases.	14:41:52
10	Q Okay. And when did Mr. Cavanaugh come to	14:41:54
11	you to ask for consideration in these cases on	14:41:58
12	behalf of his client?	14:42:01
13	A Well, it would have been sometime after	14:42:02
14	the three cases were charged, but as a specific	14:42:07
15	date, I don't think it was long after that.	14:42:13
16	Q Did you memorialize these conversations or	14:42:18
17	the fact that his attorney was looking for	14:42:23
18	consideration?	14:42:25
19	A No.	14:42:25
20	Q What did you do when Mr. Cavanaugh	14:42:27
21	suggested that your office provide Mr. Vicente	14:42:30
22	consideration in these cases?	14:42:33
23	A Well, again, he was under oath in a grand	14:42:36
24	jury and giving testimony, and I didn't really	14:42:43

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1 need to make a deal for him, but his public defender
2 was on me because he had given us three murders, and
3 he wanted some type of consideration. And I told
4 him that I couldn't give him anything less than what
5 the legal sentence would be, which was nine years in
6 the Illinois Department of Corrections.

7 Q Well, he had a simple robbery; right?

8 A Correct.

9 Q And what was he facing on that charge?

10 A Three to seven years in the Illinois
11 Department of Corrections.

12 Q Okay. And then he had three separate
13 armed robberies; right?

14 A Correct.

15 Q He was facing 6 to 30 on each of those;
16 right?

17 A Correct.

18 Q And the sentences -- at least -- at least
19 the simple robbery had to run consecutive to the
20 armed robberies because he was out on bond when he
21 picked up the armed robberies; right?

22 A That's correct.

23 Q And the armed robberies could be run
24 concurrent, or they could have been run

1	consecutive; right?	14:43:45
2	A There was no mandated consecutive	14:43:46
3	sentencing, no.	14:43:51
4	Q It wasn't mandated but a judge could have	14:43:52
5	ordered the three armed robberies to run	14:43:53
6	consecutive theoretically; right?	14:43:56
7	A A judge -- yes, a judge could have.	14:43:57
8	Q Okay. I'm talking about his exposure.	14:43:59
9	A Yes.	14:44:02
10	Q So at a minimum, the minimum sentence,	14:44:02
11	legal sentence he could get would be nine years;	14:44:05
12	right?	14:44:07
13	A Correct.	14:44:07
14	Q Three on the simple, six on the -- well,	14:44:08
15	the armed robberies all to run concurrent; right?	14:44:12
16	A Correct.	14:44:14
17	Q And theoretically the maximum he could	14:44:15
18	have gotten would be seven on the simple robbery;	14:44:19
19	right?	14:44:21
20	A Correct.	14:44:22
21	Q And then to run consecutive to three separate	14:44:22
22	armed robbery convictions; right?	14:44:26
23	A Correct.	14:44:28
24	Q And the maximum sentence on those was	14:44:28

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1	30 apiece; right?	14:44:31
2	A Correct.	14:44:32
3	Q So I guess theoretically the maximum	14:44:32
4	sentence Mr. Vicente faced was 97 years. Right?	14:44:36
5	A Correct.	14:44:39
6	Q And did you ever ask Detective Guevara	14:44:43
7	whether or not he had offered any leniency to	14:44:47
8	Mr. Vicente in exchange for his cooperation in the	14:44:50
9	Bouto cases and the other cases?	14:44:53
10	A No.	14:44:55
11	Q Why not?	14:44:57
12	A There was no reason for me to assume that	14:45:00
13	he offered him anything.	14:45:02
14	Q Well, did Mr. Vicente ever tell you that	14:45:05
15	he expected some leniency?	14:45:10
16	A No.	14:45:13
17	Q Never?	14:45:13
18	A Never.	14:45:14
19	Q And did you ever ask Mr. Halvorsen whether	14:45:14
20	or not they had -- he or anyone with him had offered	14:45:18
21	any type of leniency to Mr. Vicente in exchange	14:45:22
22	for his cooperation in these murder cases?	14:45:25
23	A No. And they weren't in a position to	14:45:27
24	offer him leniency.	14:45:30

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1 Q So is it your position that Mr. Vicente just 14:45:32
2 offered to help the Cook County State's Attorney's 14:45:36
3 Office out of goodness of his heart? 14:45:40

4 MR. HORVAT: Objection; foundation, 14:45:42
5 speculation. 14:45:43

6 You can answer if you know. 14:45:43

7 A I don't know what his motivations were 14:45:45
8 but yes. 14:45:47

9 Q Did you consider what his motivation might 14:45:47
10 be to offer up testimony in three separate murder 14:45:49
11 prosecutions? 14:45:52

12 A Well, the only one that I have independent 14:45:53
13 knowledge of is the Bouto case, and he told me 14:45:56
14 that that was a rival gang member killing an 14:45:59
15 affiliated gang member, and I believe his words 14:46:01
16 were something along the lines of he wanted to see 14:46:04
17 the guy get what was due coming to him. That was 14:46:07
18 my recollection as to the Bouto case. 14:46:11

19 Q Okay. So your understanding is that 14:46:13
20 Mr. Vicente wanted to help the Cook County State's 14:46:15
21 Attorney's Office to get justice against a rival 14:46:18
22 gang member? 14:46:20

23 A My understanding is Mr. Vicente wanted to see 14:46:21
24 this person pay for what he did to Mr. Ruvalcaba. 14:46:27

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1	That was my understanding, not that he was out to	14:46:31
2	help the State's Attorney's Office.	14:46:33
3	Q Well, he wasn't friends with Mr. Ruvalcaba;	14:46:34
4	right?	14:46:36
5	A He wasn't friends with the State's Attorney's	14:46:36
6	Office, either.	14:46:39
7	Q Right. Well, he -- you're suggesting that	14:46:39
8	merely because Mr. Bouto was in a rival gang that	14:46:42
9	that was the motivating factor to assist you in	14:46:47
10	getting a conviction on Mr. Bouto; right?	14:46:49
11	MR. HORVAT: Objection; form and	14:46:52
12	foundation.	14:46:55
13	You can answer the question if you	14:46:55
14	understand.	14:46:58
15	A I believe Mr. Vicente believed the victim	14:46:58
16	to be an affiliated gang member of the Imperial	14:47:03
17	Gangsters, his own gang.	14:47:09
18	Q Well, the victim was not an Imperial	14:47:11
19	Gangster; right?	14:47:14
20	A To my knowledge, he wasn't in a gang at all.	14:47:14
21	Q Okay.	14:47:14
22	A But I can't control what Mr. Vicente	14:47:16
23	perceives.	14:47:19
24	Q But, again, Mr. Vicente's motivation was	14:47:20

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1 something that you considered; right?

14:47:24

2 A What do you mean by "motivation"?

14:47:27

3 Q Well, it's not every day that gang bangers
4 want to come give testimony in murder prosecutions
5 against other gang members, is it?

14:47:29

14:47:32

14:47:35

6 A For the last seven years of my being a
7 State's Attorney I was the head of the homicide
8 section, on a day-in-day-out basis typically on
9 average you'd have two or three witnesses who you
10 would have testify under oath in a grand jury
11 testifying against fellow gang members. It
12 happened all the time.

14:47:36

14:47:40

14:47:42

14:47:44

14:47:49

14:47:51

14:47:54

13 So based on my 31 years of experience,
14 along with my seven years as head of the homicide
15 section, that happened all the time.

14:47:56

14:47:58

14:48:01

16 Q Okay. Well, you know Mr. Vicente later
17 accused the officers of coercing those statements;
18 correct?

14:48:03

14:48:06

14:48:10

19 A I've been made aware of that, but he never
20 made that aware to me.

14:48:11

14:48:15

21 Q Okay. So my question is, you did not
22 consider -- and just yes or no, did you consider
23 his motivation in wanting to give testimony
24 against Mr. Bouto in a murder prosecution?

14:48:16

14:48:20

14:48:24

14:48:27

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1	A No.	14:48:30
2	Q And you would agree that that put his life	14:48:31
3	in jeopardy; right?	14:48:35
4	A Yes.	14:48:36
5	Q That's the reason you moved him to the	14:48:36
6	witness quarters in part; correct?	14:48:38
7	A Correct.	14:48:40
8	Q Okay. And it's your testimony that not	14:48:40
9	once did he tell you that he wanted anything in	14:48:42
10	exchange for his assistance in the Bouto	14:48:45
11	prosecution; right?	14:48:48
12	A He never told me that, and if I recall	14:48:49
13	correctly, he testified to all that in the grand	14:48:51
14	jury before I had contact with him on the Bouto case.	14:48:56
15	Q Okay. Well --	14:48:59
16	A And in his handwritten statement.	14:49:01
17	Q All right. And that's why I asked, did	14:49:03
18	you ever ask whether or not the prosecutors --	14:49:07
19	strike that -- whether or not the police officers	14:49:09
20	had made any promises to him.	14:49:11
21	MR. HORVAT: Objection; asked and	14:49:13
22	answered.	14:49:16
23	You can answer one more time.	14:49:16
24	A I assumed that if had been the case that	14:49:18

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1 would not -- he would not have signed a handwritten
2 statement saying that nobody threatened or promised
3 him anything in his handwritten statement to the
4 assistant State's Attorney who took it or in his
5 testimony before the grand jury when he said that
6 no one threatened or promised him anything in
7 exchange for his testimony before the grand jury.
8 So I took it at its word.

9 Q Okay. And when he gave a statement
10 suggesting that fellow gang members, Mr. Serrano,
11 Mr. Montanez, Mr. Pacheco, or at least Mr. Serrano,
12 fellow gang member, had confessed murder to him,
13 did you question him about what his motivation was
14 for giving up fellow gang members?

15 MR. HORVAT: Objection; foundation.

16 You can answer.

17 A No, I didn't.

18 Q Did it concern you at all or make you
19 question whether or not he was being truthful?

20 A It did not.

21 Q And when he gave a statement to Detective
22 Halvorsen and Detective Guevara and to prosecutors
23 that Iglesias had confessed to him, also a fellow
24 gang member, when that happened, did you decide --

14:49:21
14:49:23
14:49:25
14:49:27
14:49:31
14:49:33
14:49:33
14:49:36
14:49:38
14:49:44
14:49:49
14:49:56
14:50:00
14:50:03
14:50:05
14:50:07
14:50:08
14:50:09
14:50:13
14:50:17
14:50:19
14:50:22
14:50:31
14:50:37

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1 or did it occur to you maybe this is a little odd 14:50:39
2 that he's getting all these murder confessions? 14:50:42

3 A No, it didn't. 14:50:52

4 Q Okay. So you testified that at some point 14:50:53
5 Mr. Vicente's public defender approached you about 14:51:02
6 getting a deal in these cases that he was assisting 14:51:05
7 the State's Attorney's Office in; right? 14:51:08

8 A Correct. 14:51:09

9 Q And you didn't need to make a deal with 14:51:10
10 Mr. Vicente, right, because he's already on paper, 14:51:12
11 and you didn't really need to do that; correct? 14:51:15

12 A That's correct. 14:51:17

13 Q But you wanted to make sure that he got 14:51:17
14 the mandatory minimum on three armed robberies and 14:51:20
15 robbery why? 14:51:23

16 A I didn't say that that's what I wanted. I 14:51:24
17 said that that's what I agreed to based on my 14:51:27
18 conversations with his public defender. 14:51:30

19 Q Well, what did his public defender say to 14:51:32
20 you that led you to agree to that? 14:51:35

21 A That, "He gave you information on 14:51:37
22 three separate homicide cases," that "That's a lot 14:51:40
23 of information that he provided, and he should be 14:51:45
24 getting major information consideration for 14:51:46

1 doing so."

14:51:49

2 Q And that persuaded you to --

14:51:50

3 A I told him that he could get no consideration
4 of anything under what a legal sentence would be.

14:51:52

14:51:54

5 Q You didn't authorize an unlawful sentence?

14:51:58

6 MR. HORVAT: Object to form.

14:52:01

7 A I had the authority, for example, to reduce
8 one of those armed robberies to a robbery. Okay?
9 I had the authority to dismiss two of the armed
10 robberies and have him plead to one of the armed
11 robberies. But I didn't. I told him I wasn't
12 going to dismiss any charges against him, and he
13 had to do the minimum time on each one of those
14 cases, and that's what the agreement was.

14:52:02

14:52:04

14:52:08

14:52:12

14:52:14

14:52:16

14:52:19

14:52:21

15 Q Okay. And you agreed to that even though

14:52:23

16 you didn't have to; right?

14:52:25

17 A Correct.

14:52:26

18 Q And according to you, at that point you
19 didn't need Vicente to cooperate in your prosecution
20 because you already had him committed to grand
21 jury testimony and/or handwritten statements; right?

14:52:27

14:52:29

14:52:34

14:52:37

22 A The only thing I needed for his cooperation
23 was to come out and get on the witness stand and
24 not remain mute. If he remained mute and wouldn't

14:52:40

14:52:42

14:52:46

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1	answer questions, then those statements would not	14:52:49
2	come in as 115-10.1 evidence --	14:52:51
3	Q Right.	14:52:51
4	A -- as substantive evidence. So I did need	14:52:54
5	him to get on the witness stand, and I did need	14:52:55
6	him to testify out loud.	14:52:58
7	Q He would have been held in contempt if he	14:52:59
8	refused to speak, though, typically; right?	14:53:02
9	A Well, given that he was potentially facing	14:53:05
10	97 years or, as you said, life in prison, probably	14:53:07
11	wouldn't have mattered much.	14:53:11
12	Q Well, he ended up getting only nine years,	14:53:12
13	right --	14:53:16
14	A That was --	14:53:16
15	Q Well, less than nine years; right?	14:53:16
16	A He -- the sentence was nine years.	14:53:19
17	Q But he did less than even 4 1/2 years;	14:53:21
18	right?	14:53:23
19	A He did what the Illinois Department of	14:53:23
20	Corrections gave him by way of day-of-day credit	14:53:29
21	off his sentence, which I have no control over.	14:53:33
22	Q We'll get to that in a second.	14:53:35
23	So tell me every conversation that you can	14:53:39
24	recall about Vicente's statements about the	14:53:44

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1	Serrano/Montanez confessions, if will you.	14:53:55
2	MR. HORVAT: I'm going to object to the	14:53:59
3	form of the question; object that it asks for a	14:54:00
4	narrative answer.	14:54:00
5	You can answer if you understand.	14:54:01
6	A I didn't have any conversations about the	14:54:01
7	substance of those cases.	14:54:03
8	Q Well, let me ask you this: Did you read	14:54:04
9	the statement that Vicente provided?	14:54:08
10	A Since the advent of this litigation	14:54:10
11	against me, yes.	14:54:13
12	Q Okay.	14:54:14
13	A Prior to that, no.	14:54:15
14	Q So prior to prosecuting the Bouto case,	14:54:16
15	you never even read the statement that was	14:54:19
16	provided by Mr. Vicente in the Serrano/Montanez/	14:54:21
17	Pacheco litigation?	14:54:29
18	A There's no reason for me to.	14:54:31
19	Q Okay. Did you read the statement that	14:54:34
20	Mr. Vicente provided in the Geraldo Iglesias	14:54:35
21	prosecution?	14:54:38
22	A No.	14:54:39
23	Q So you have no idea whether those statements	14:54:39
24	appeared to be reliable statements; right?	14:54:42

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1	A That wasn't a concern of mine.	14:54:46
2	Q Right. You didn't -- you were not concerned	14:54:47
3	about whether Mr. Vicente gave reliable statements	14:54:48
4	in the Vargas prosecution; right?	14:54:51
5	A I was only concerned with the Bouto case.	14:54:54
6	Q Right. Just answer my question, please.	14:54:56
7	You were not concerned about the	14:54:58
8	reliability of Mr. Vicente's statements in the	14:54:59
9	Serrano, Montanez, and Pacheco litigation; right?	14:55:03
10	MR. HORVAT: Objection; asked and answered.	14:55:06
11	A Correct.	14:55:08
12	Q Okay. And you were not concerned about	14:55:08
13	the reliability of Vicente's statement in the	14:55:10
14	Geraldo Iglesias prosecution; correct?	14:55:14
15	MR. HORVAT: Same objection.	14:55:17
16	A Correct.	14:55:17
17	Q Those could have been bold-faced lies, and	14:55:18
18	you would not have known one way or another; correct?	14:55:21
19	MR. HORVAT: Objection; speculation	14:55:24
20	foundation.	14:55:26
21	You can answer if you understand the	14:55:26
22	question.	14:55:28
23	A Correct.	14:55:28
24	Q And it was of no concern to you in any	14:55:28

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1	event; correct?	14:55:32
2	MR. HORVAT: Objection; asked and answered.	14:55:33
3	A Correct.	14:55:34
4	Q And it was no concern to you whether he	14:55:34
5	lied in the Geraldo Iglesias statement; correct?	14:55:37
6	MR. HORVAT: Objection; asked and answered.	14:55:38
7	A Obviously, I don't want witnesses to be	14:55:39
8	lying in cases. Okay? But when they're not my	14:55:41
9	cases, and I'm not involved in the prosecution of	14:55:46
10	them, and I don't speak with witnesses on other	14:55:48
11	cases being prosecuted, then it's not my place to	14:55:50
12	go around to every State's Attorney on every case	14:55:54
13	that they have asking the veracity or trying to	14:55:58
14	determine the veracity of their witnesses.	14:55:59
15	Q But Mr. Vicente was your witness, too.	14:56:01
16	A He was my witness only on the	14:56:03
17	Robert Bouto case.	14:56:06
18	Q Right.	14:56:07
19	A And I trusted that the assistant State's	14:56:08
20	Attorneys prosecuting those cases, if they felt	14:56:12
21	that was an issue that they would have addressed it.	14:56:15
22	Q And I'm just clearly I'm just asking for	14:56:17
23	clarification that you did not concern yourself	14:56:18
24	with the veracity of Mr. Vicente's statements in	14:56:20

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1	either the Serrano/Montanez case or the Geraldo	14:56:23
2	Iglesias case; correct?	14:56:27
3	A I've answered that before and it's still	14:56:29
4	the same answer, that is correct.	14:56:31
5	Q Did you speak with Matt Coghlan about this	14:56:49
6	deal that you were going to offer Mr. Vicente	14:56:51
7	through his attorney?	14:56:56
8	A I don't recall. It would be dependent upon	14:56:57
9	when Mr. Coghlan came on the case and when I had	14:57:02
10	those conversations with Mr. Cavanaugh.	14:57:07
11	Q Well, do you remember any conversations with	14:57:08
12	Mr. Coghlan about Frankie Vicente?	14:57:12
13	A Yes.	14:57:13
14	Q Okay. Tell me those. What do you remember?	14:57:14
15	A Just that the guy was an annoyance because	14:57:17
16	he would call over from the witness quarters and,	14:57:20
17	"Can you get me a Walkman? Can you get me	14:57:24
18	underwear? Can you get me shoes?" For a State's	14:57:27
19	Attorney putting somebody in the witness quarters	14:57:30
20	is a nuisance because they're constantly asking	14:57:33
21	you for things.	14:57:37
22	Q They want stuff; right?	14:57:38
23	A Yes.	14:57:40
24	Q They want -- they want benefits that they	14:57:40

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1	wouldn't otherwise get in the regular Cook County	14:57:42
2	jail, and they have a direct line to you to ask	14:57:44
3	for that; right?	14:57:46
4	A They don't have a direct line to me. They	14:57:48
5	have a direct line to the gang prosecutions unit,	14:57:51
6	who will then tell me Francisco Vicente is on the	14:57:54
7	phone, whether I choose to answer it or not. But	14:57:58
8	yes, he would ask for, and the things that I've	14:58:01
9	told you he was given.	14:58:04
10	Q And you talked about Frankie being a	14:58:07
11	nuisance or an annoyance with Mr. Coghlan. Did	14:58:11
12	you talk about whether or not Frankie's statements	14:58:14
13	were believable?	14:58:20
14	A No.	14:58:21
15	Q Didn't have that conversation with	14:58:21
16	Mr. Coghlan at any point?	14:58:23
17	A At any point.	14:58:25
18	Q It was just presumed that they were	14:58:25
19	reliable and credible; is that right?	14:58:29
20	MR. HORVAT: Objection; asked and answered.	14:58:31
21	A I didn't really know of the statements or	14:58:33
22	the facts of the case, so for me to be able to	14:58:37
23	determine whether they were reliable or not, I had	14:58:40
24	no source of information to make that determination.	14:58:43

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1 Q And you never spoke with Mr. Coghlan about 14:58:45
2 the fact that Mr. Vicente -- Mr. Vicente's 14:58:47
3 motivation for making these statements in these 14:58:53
4 three different murder prosecutions; is that fair 14:58:56
5 to say? 14:58:58

6 A That's fair to say. 14:58:58

7 Q And Mr. Coghlan never told you that he was 14:59:00
8 concerned about Mr. Vicente's motivations for 14:59:02
9 testifying against all of these individuals in 14:59:06
10 these three separate murder prosecutions; correct? 14:59:09

11 A Correct. 14:59:11

12 Q Now, would you agree that if Detective 14:59:17
13 Guevara and Detective Halvorsen told the witnesses 14:59:20
14 in the Bouto case who to pick out, that would mean 14:59:23
15 that those identifications are not reliable? 14:59:26

16 MR. HORVAT: Object to the form of the 14:59:29
17 question. 14:59:30

18 You can answer. 14:59:30

19 A I can't answer that question. It would 14:59:31
20 depend on the circumstances of what they said 14:59:36
21 to them. 14:59:38

22 Q There is some circumstance where a detective 14:59:38
23 could tell a witness who to pick out? 14:59:40

24 A If the witness had an independent basis 14:59:44

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1 for identifying that witness, then yes, that would
2 affect the weight to be given to the identification.

3 So, in other words, if a witness observed
4 a crime and said, "That's the person I saw commit
5 the crime; oh, and by the way, the detective told
6 me who to pick out," then that would be something
7 that would go towards the weight of that
8 identification.

9 Q Okay. What if the witness picks out an
10 offender based entirely on what the detective
11 tells him to do?

12 A That's improper.

13 Q Okay. And are you aware of Detective
14 Guevara having done that in any case?

15 A No, I am not.

16 Q What about Detective Halvorsen?

17 A I am not aware of that happening.

18 Q And in the Bouto case, if Detective Halvorsen
19 or Detective Guevara had told Karl Richmond or
20 Ray Lozado who to pick out, you would agree that
21 that would be improper; right?

22 MR. HORVAT: Objection; form of the question,
23 incomplete hypothetical.

24 You can answer if you understand.

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1	A Yes, that would be improper.	15:00:55
2	Q Okay. And it would also mean that your	15:00:57
3	evidence really didn't point to Mr. Bouto as the	15:00:59
4	person who did it; correct?	15:01:01
5	MR. HORVAT: Objection; argumentative.	15:01:03
6	Objection to the form of the question.	15:01:04
7	You can answer if you understand.	15:01:06
8	A Again, I wouldn't agree with that statement.	15:01:06
9	Because when I interviewed witnesses prior to	15:01:08
10	trial, I asked them the circumstances surrounding	15:01:11
11	their lineup identifications, photo arrays,	15:01:13
12	whatever, because that's something they're going	15:01:18
13	to testify to.	15:01:21
14	So in my preparation for the Bouto case, no	15:01:22
15	witness ever expressed that to me when I interviewed	15:01:24
16	them prior to their testimony, and when they	15:01:27
17	testified at the trial under oath, that was never	15:01:29
18	testified to in the Bouto trial. So I had no	15:01:31
19	evidence to suggest that something like that took	15:01:35
20	place.	15:01:37
21	Q I understand. But you do know that	15:01:37
22	Mr. Bouto's convictions were reversed; right?	15:01:39
23	A No. I -- my understanding is that they were	15:01:41
24	not proffered by the State's Attorney's Office.	15:01:43

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1	Q Well, Mr. Bouto received an evidentiary	15:01:48
2	hearing into his claims of actual innocence; right?	15:01:52
3	A I -- I don't know. I haven't been in the	15:01:54
4	office since 2014.	15:01:57
5	Q Okay. But you're aware that the Cook County	15:01:58
6	State's Attorney's Office vacated the charges	15:02:03
7	against --	15:02:04
8	A I was aware of that when I saw that in the	15:02:06
9	newspaper.	15:02:09
10	Q Right?	15:02:09
11	A Nobody from the Cook County State's	15:02:10
12	Attorney's office bothered to pick up the phone to	15:02:14
13	either, A, discuss with me my involvement in the	15:02:16
14	Bouto case or that they were dismissing the charges	15:02:19
15	against Mr. Bouto. They apparently didn't feel	15:02:22
16	that was necessary.	15:02:26
17	Q Right. Just the way you didn't find it	15:02:27
18	necessary to talk to any --	15:02:30
19	MR. HORVAT: Objection; argumentative.	15:02:30
20	Q -- other State's attorneys on the other	15:02:32
21	cases that Mr. Vicente was involved in; right?	15:02:36
22	MR. HORVAT: Objection; argumentative.	15:02:36
23	A I wasn't involved in those prosecutions.	15:02:36
24	I was involved in the Bouto prosecution.	15:02:39

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1 Q But were you aware that Mr. Guevara has been 15:02:40
2 pleading the Fifth Amendment in response to 15:02:44
3 questions about his involvement in both the Bouto 15:02:46
4 prosecution -- 15:02:48

5 MR. HORVAT: I'm going to object -- sorry; 15:02:49
6 I didn't mean to point. I'm going to object to 15:02:51
7 the extent that your answer requires you go into 15:02:55
8 any conversations you had with us and instruct you 15:03:00
9 not to do that. 15:03:00

10 Outside of any conversations you had with 15:03:00
11 your attorneys, you can answer the question. 15:03:01

12 A Other than what I've read in the newspaper. 15:03:01

13 Q Well, you've read it in the newspaper; right? 15:03:03

14 A Yes. 15:03:05

15 Q Do you know how many cases have been vacated 15:03:18
16 in which Detective Guevara and Detective Halvorsen 15:03:20
17 were involved in? 15:03:23

18 A I do not. 15:03:24

19 Q Okay. Do you know how many Federal juries 15:03:25
20 have returned civil verdicts against Detective 15:03:31
21 Guevara? 15:03:34

22 A I do not. 15:03:34

23 Q Were you aware that the City of Chicago 15:03:36
24 conducted its own investigation and concluded that 15:03:47

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1 there were individuals who were probably innocent 15:03:51
2 that -- in cases that were investigated by 15:03:54
3 Detective Guevara, including Robert Bouto? 15:03:56

4 MS. CARNEY: Objection; form. 15:04:02

5 A A, I was not aware of that, and nobody 15:04:03
6 bothered to contact the person who actually tried 15:04:06
7 the case for some insight on the Bouto case. 15:04:08

8 Q So is it your -- is it your testimony that 15:04:10
9 Sidley & Austin never contacted you, or 15:04:13
10 interviewed you, or attempted to interview you? 15:04:15

11 A They never interviewed me; they never 15:04:16
12 contacted me; to my knowledge, they never 15:04:18
13 attempted to interview me. 15:04:20

14 Q Okay. And did you ever read the report 15:04:21
15 that was prepared by Sidley & Austin in connection 15:04:24
16 with the Bouto case? 15:04:27

17 A I did not. 15:04:28

18 Q So you don't know what their investigation 15:04:28
19 revealed; right? 15:04:31

20 A I do not. 15:04:36

21 MS. CARNEY: Objection; form. 15:04:41

22 Q Were you aware that Mr. Serrano and 15:04:41
23 Mr. Montanez received certificates of innocence? 15:04:44

24 A I was made aware of that. I read that in 15:04:45

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1	the newspaper.	15:04:48
2	Q And were you aware that an individual by	15:04:49
3	the name of Jacques Rivera received a certificate	15:04:55
4	of innocence?	15:04:59
5	A I don't know who Jacques Rivera is.	15:05:00
6	Q What about Juan Johnson?	15:05:03
7	A I don't know who Juan Johnson is.	15:05:05
8	Q If you had learned during your time preparing	15:05:08
9	the Bouto prosecution that dozens of individuals	15:05:18
10	had claimed that Mr. Guevara had suggested to them,	15:05:23
11	or told them, or coerced them into identifying	15:05:26
12	certain individuals, would that have changed your	15:05:31
13	strategy or tactics when it comes to the case?	15:05:37
14	Excuse me.	15:05:41
15	MR. HORVAT: Objection to the form.	15:05:41
16	Objection to speculation. Objection to the	15:05:43
17	incomplete hypothetical.	15:05:45
18	John, you can answer if you know.	15:05:46
19	A Yes. I would probably have asked questions	15:05:49
20	of the witnesses if anything like that took place	15:05:51
21	in a case that I was prosecuting.	15:05:53
22	Q Okay. Now, at some point you prosecuted	15:05:55
23	the Bouto -- Robert Bouto; right?	15:05:58
24	A Correct.	15:06:01

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1	Q And you made a decision not to call	15:06:01
2	Mr. Maldonado or Mr. Vicente as a witness; right?	15:06:05
3	A Correct.	15:06:08
4	Q And you said you made that decision at	15:06:09
5	least a few weeks before the case went to trial;	15:06:13
6	is that fair?	15:06:15
7	A That's fair.	15:06:16
8	Q And did you have conversations with	15:06:17
9	Mr. Vicente before the case went to trial?	15:06:20
10	A Yes.	15:06:22
11	Q Did you know how the cases in which he had	15:06:22
12	previously had testified had gone or how they had	15:06:25
13	shook out?	15:06:28
14	A If I did, I don't -- I don't recall that	15:06:28
15	I did.	15:06:30
16	Q Do you remember that he had testified in	15:06:30
17	the Serrano, Montanez, and Pacheco case and the	15:06:32
18	Iglesias case prior to the Bouto case?	15:06:34
19	A No. Because in April of '94 I went up to	15:06:38
20	felony review. So I wasn't in the gang unit any	15:06:43
21	longer, and I wasn't aware of the day-to-day	15:06:47
22	goings on in the gang unit, the trials that were	15:06:49
23	tried or anything else.	15:06:52
24	Q So when you sat down with Mr. Vicente	15:06:52

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1	prior to your prosecution of Robert Bouto, it was	15:06:55
2	not something that you discussed at all about his	15:06:57
3	prior testimony in these other cases?	15:06:59
4	A No.	15:07:01
5	Q Did you talk to Matt Coghlan about how	15:07:01
6	Vicente did or how the cases went when he	15:07:07
7	testified in the Serrano/Montanez case?	15:07:10
8	A No.	15:07:12
9	Q Did you speak with, I think ASA -- what's	15:07:13
10	his name? Do you know who prosecuted the Iglesias	15:07:16
11	case? Mr. Studenroth?	15:07:31
12	A I know I never spoke with Mr. Studenroth.	15:07:33
13	Q And you didn't speak with him about	15:07:36
14	Vicente's testimony in the Iglesias prosecution?	15:07:40
15	A No.	15:07:44
16	Q And you decided not to present Vicente's	15:07:45
17	testimony; correct?	15:07:49
18	A That's correct.	15:07:50
19	Q And is that because he recanted to you?	15:07:50
20	A He didn't recant to me.	15:07:53
21	Q Why didn't you use him?	15:07:55
22	A Because I had eyewitness identifications of	15:07:58
23	Mr. Bouto as the offender, and I had circumstantial	15:08:03
24	witnesses who identified the offender by the	15:08:07

1 clothing that he wore, and injecting into trial 15:08:10
2 Mr. Maldonado, who had given an affidavit 15:08:17
3 recanting that this statement took place, I 15:08:19
4 thought it would detract from my evidence. I made 15:08:21
5 the decision that there was no reason to do that 15:08:25
6 given the strength of the remaining evidence I 15:08:28
7 had, and that's why I made that decision. 15:08:30

8 Q It wasn't because you doubted Mr. Vicente's 15:08:30
9 statements at that point? 15:08:33

10 A No. 15:08:34

11 Q But you thought that maybe the defense 15:08:41
12 could get some hits on Vicente that would hurt 15:08:42
13 your case; is that why you didn't call him? 15:08:46

14 A No, I was concerned that the jury's focus 15:08:48
15 would be drawn away as to whether or not the 15:08:51
16 statement took place versus, again, the direct 15:08:53
17 evidence, the eyewitness testimony of people that 15:08:56
18 came into court and pointed out Mr. Bouto as the 15:08:58
19 person who called Mr. Ruvalcaba. 15:09:02

20 Q And those people did not come forward and 15:09:04
21 identify Mr. Bouto as the offender until after 15:09:06
22 Mr. Vicente gave his handwritten statement; would 15:09:09
23 you agree with that? 15:09:11

24 A No, I wouldn't agree with that. 15:09:12

1 Q So your testimony is that those people 15:09:14
2 made -- they made identifications from a lineup 15:09:16
3 prior to Mr. Vicente giving that handwritten 15:09:19
4 statement? 15:09:21

5 A I believe so. And I also believe that 15:09:21
6 there were identifications made at the scene prior 15:09:23
7 to -- after Mr. Bouto's detention by the police. 15:09:26

8 Q And where -- and where do you remember 15:09:30
9 seeing that? 15:09:35

10 A I remember seeing it and I remember 15:09:36
11 presenting that evidence in the trial. 15:09:40

12 Q Identifications were made or a description 15:09:43
13 was provided? 15:09:46

14 A A description was provided. My understanding 15:09:46
15 is Mr. Bouto was detained and brought back to the 15:09:50
16 scene of the murder. There were some witnesses 15:09:53
17 there, eyewitnesses who identified him to the 15:09:55
18 police officers as the person who shot Mr. Ruvalcaba. 15:09:58

19 Q And in your estimation this was all before 15:10:02
20 Mr. Vicente had agreed to -- 15:10:05

21 A My understanding is Mr. Vicente was in 15:10:10
22 custody when the Ruvalcaba murder happened. 15:10:12

23 Q Right. 15:10:14

24 A So he would have no independent knowledge 15:10:15

1 of that crime taking place.

15:10:19

2 Q Right.

15:10:20

3 A The witnesses who were out there, they did
4 have an independent knowledge of the incident that
5 took place because they witnessed it.

15:10:21

15:10:23

15:10:26

6 Q You're aware that Mr. Maldonado claims that
7 Guevara told him who to pick out; right?

15:10:28

15:10:31

8 A No, I'm not aware of that.

15:10:34

9 Q Okay. Well, Mr. Maldonado made that
10 statement to attorneys for Sidley & Austin. And
11 what say you to that?

15:10:36

15:10:38

15:10:43

12 MS. CARNEY: Objection; foundation.

15:10:45

13 MR. HORVAT: Object to the form.

15:10:49

14 Do you understand the question?

15:10:50

15 THE WITNESS: Yeah, I understand the
16 question.

15:10:52

15:10:53

17 A I believe he doesn't want to be involved,
18 and I believe he lied to Sidley & Austin. That's
19 what I believe.

15:10:53

15:10:56

15:10:58

20 Q Okay. So -- and he lied back '96, too;
21 right?

15:10:59

15:11:01

22 A When he gave his --

15:11:01

23 Q Affidavit, right?

15:11:03

24 A -- affidavit? Yes, I believe so.

15:11:03

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1	Q But he didn't lie when he first went before	15:11:04
2	the grand jury, that's your --	15:11:07
3	A I don't believe so.	15:11:08
4	Q Okay. Now, you eventually attended this	15:11:09
5	change of plea hearing, sentencing hearing for	15:11:15
6	Mr. Vicente; right?	15:11:18
7	A Correct.	15:11:18
8	Q And this was after there had been	15:11:19
9	convictions in all three cases -- I guess there	15:11:23
10	was one acquittal. Mr. Pacheco was ultimately	15:11:25
11	acquitted, but apart from Mr. Pacheco, there had	15:11:28
12	been convictions in all three murder prosecutions,	15:11:30
13	and now Mr. Vicente was no longer needed as a	15:11:34
14	State's Attorney witness; right?	15:11:38
15	A That's correct.	15:11:39
16	Q And he went before Judge Suria for sentencing	15:11:39
17	on his four pending cases; right?	15:11:43
18	A Well, he went before him to enter a plea	15:11:45
19	of guilty to the charges against him.	15:11:50
20	Q Right. And to be sentenced?	15:11:52
21	A And then to be sentenced.	15:11:53
22	Q Let me ask you this: Before Vicente	15:11:55
23	testified in the Serrano/Montanez case, he was	15:11:59
24	moved to DuPage County. Do you remember that?	15:12:04

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1	A Yes.	15:12:06
2	Q Why?	15:12:06
3	A My understanding was because he could no	15:12:07
4	longer stay in the witness quarters because he had	15:12:11
5	caused some type of a problem.	15:12:13
6	Q Do you remember what type of problem that	15:12:15
7	was it?	15:12:18
8	A I don't have any independent recollection	15:12:18
9	of that. I believe I've come to understand he got	15:12:23
10	into a fight with an individual named Rankins.	15:12:26
11	Q Do you know who Timothy Rankins is?	15:12:30
12	A I did not until after this litigation was	15:12:33
13	instituted against me.	15:12:36
14	Q Did you ever hear the name Timothy Rankins	15:12:37
15	prior to 2017?	15:12:40
16	A No.	15:12:41
17	Q And you have no idea what Mr. Rankins' role	15:12:42
18	was in any of these murder prosecutions, if any;	15:12:47
19	correct?	15:12:51
20	A No.	15:12:51
21	Q And who transported Mr. Vicente back and	15:12:52
22	forth from DuPage County to 26th Street when he	15:12:59
23	was giving testimony in the Iglesias and the	15:13:02
24	Serrano and Montanez case? Do you know?	15:13:04

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1 A The Cook County State's Attorney's Office
2 investigators.

3 Q And why was that?

4 A Because that was I believe, if I recall
5 correctly, the Judge's order.

6 Q Is that something that the State's
7 Attorney's Office asked for?

8 A I don't believe so.

9 Q Okay. Who asked that he be remanded to
10 DuPage County --

11 MR. HORVAT: Objection; foundation.

12 Q -- if you know?

13 MR. HORVAT: You can answer if you know.

14 A I -- I believe it was me.

15 Q Okay. And why DuPage County versus
16 anywhere else?

17 A No particular reason at the time because
18 he couldn't stay in the witness quarters, he'd be
19 looking at going to the general population. If he
20 went into general population, the cases against
21 which he had provided information on were still
22 pending. So those people were in the jail, so it
23 was potentially life threatening to him to be
24 placed in general population, so we had to find

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1	another place to house him, and we were able to	15:14:01
2	find that in DuPage County.	15:14:04
3	Q Did Mr. Vicente cause any other trouble in	15:14:06
4	the witness quarters apart from getting in a fight	15:14:10
5	with Tim Rankins?	15:14:13
6	A Not to my knowledge.	15:14:15
7	Q Do you know whether he was doing narcotics	15:14:16
8	in the witness quarters?	15:14:20
9	A I don't have personal knowledge, but they	15:14:21
10	can't have narcotics in the witness quarters.	15:14:23
11	Q Do you know whether State's witnesses ever	15:14:25
12	did have narcotics in the witness quarters?	15:14:28
13	A I don't believe they did.	15:14:31
14	Q Have you ever heard of an occasion where	15:14:32
15	they did have narcotics in the witness quarters?	15:14:34
16	A No.	15:14:36
17	Q Did you ever hear, even if it was a rumor,	15:14:37
18	that Vicente had narcotics in the witness quarters?	15:14:40
19	A I never heard that Vicente had drugs in	15:14:43
20	the witness quarters or rumor to the effect that	15:14:47
21	Vicente had drugs in the witness quarters.	15:14:51
22	Q Okay. And what about conjugal visits?	15:14:53
23	Are they permitted conjugal visits in the witness	15:14:53
24	quarters?	15:14:57

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1	A No.	15:14:57
2	Q They are permitted contact visits, though;	15:14:58
3	right?	15:15:02
4	A They're permitted whatever the Cook County	15:15:02
5	Sheriff's Office allows them to do.	15:15:05
6	Q To the best of your knowledge, when a	15:15:06
7	witness is detained in the witness quarters in the	15:15:08
8	Cook County State's Attorney's Office, they are	15:15:10
9	permitted contact visits, though; right?	15:15:11
10	A I don't know that to be the case, no.	15:15:13
11	Q Have you ever read the testimony from the	15:15:15
12	Serrano/Montanez trial or the Geraldo Iglesias	15:15:18
13	trial, Vicente's testimony?	15:15:22
14	A I believe I read it in the Serrano/	15:15:24
15	Montanez case.	15:15:27
16	Q Okay. And you would agree that he testified	15:15:28
17	about having contact visits in the witness	15:15:30
18	quarters; right?	15:15:33
19	A I don't recall but if that's what it says,	15:15:34
20	that's what it says.	15:15:37
21	MS. BONJEAN: Fair enough.	15:15:38
22	Could you mark this, please?	15:16:38
23	(Dillon Deposition Exhibit 12 marked for	15:16:38
24	identification and attached to the transcript.)	15:16:56

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1	Q Do you know who Carlos Morales is?	15:16:56
2	A Yes.	15:17:07
3	Q And is that Frankie Vicente?	15:17:07
4	A Francisco Vicente.	15:17:09
5	Q Okay. Francisco Vicente. And do you know	15:17:11
6	what this arrest report refers to?	15:17:12
7	A It says it's for the offense of robbery,	15:17:14
8	and he was arrested on what appears to be	15:17:17
9	July 25th of 1992.	15:17:22
10	Q Okay. So that's July 25th, 19 --	15:17:24
11	July 25th, 1992?	15:17:28
12	A The date of the arrest, yes.	15:17:28
13	Q And are you aware of whether Mr. Vicente	15:17:32
14	made bond on this case?	15:17:38
15	A If this was the case that he pled guilty	15:17:40
16	to when I was involved in the plea, he did make	15:17:43
17	bond in that case.	15:17:46
18	Q Okay. And do you remember the date on	15:17:47
19	which he made bond?	15:17:50
20	A I don't.	15:17:51
21	(Dillon Deposition Exhibit 13 marked for	15:17:51
22	identification and attached to the transcript.)	15:18:22
23	Q Do you remember that Mr. Vicente had the	15:18:22
24	'92 case which was the robbery and the three armed	15:18:26

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1	robberies from '93, or do you need something to	15:18:29
2	refresh your recollection on that?	15:18:33
3	A No, I believe that was the case.	15:18:33
4	Q Okay. So do you see what this document --	15:18:34
5	can you identify this document for me?	15:18:37
6	A It appears to be a bond slip.	15:18:38
7	Q And what is the date on that?	15:18:40
8	A October 23rd of 1992.	15:18:42
9	Q And it reflects that that is when Mr. Vicente	15:18:44
10	made bond on the '92 robbery case; correct?	15:18:47
11	A I don't know if that's what that denotes.	15:18:51
12	Q Well, how about I have you look at the	15:18:56
13	certified statement of conviction. Would that help?	15:19:00
14	A Yeah. I see the date and I see that the	15:19:05
15	bond was set. I don't see that it's an I bond or	15:19:08
16	a D bond, so I don't see where it tells me that he	15:19:11
17	made bond.	15:19:16
18	Q Okay. Well --	15:19:17
19	A Well, actually, this is a D bond. So he	15:19:18
20	would have had to come up with \$100 to make bond.	15:19:21
21	Q Right.	15:19:24
22	A So if, in fact, he posted the bond, I'll	15:19:25
23	accept your representations, but this doesn't tell	15:19:30
24	me that he posted the bond.	15:19:32

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1	MS. BONJEAN: All right. I'm going to	15:19:34
2	have you mark that if you would, please.	15:19:34
3	THE COURT REPORTER: 14.	15:19:34
4	(Dillon Deposition Exhibit 14 marked for	15:19:34
5	identification and attached to the transcript.)	15:19:50
6	Q Is it your experience that people sign	15:19:50
7	bond slips when they don't make bond?	15:19:53
8	A To be honest with you, I've never	15:19:55
9	represented someone as a defense attorney. So I'm	15:19:58
10	not familiar with the whole bond process, to be	15:20:01
11	quite honest with you.	15:20:03
12	Q You've actually never represented -- other	15:20:05
13	than your first six months in the private sector,	15:20:05
14	you've never represented an individual; right?	15:20:08
15	A Correct.	15:20:10
16	Q I'm sorry; what did we mark this as?	15:20:12
17	A This is 14.	15:20:18
18	Q Okay. I'm going to draw your attention --	15:20:23
19	MS. NIKOLAEVSKAYA: Can we have copies?	15:20:30
20	MS. BONJEAN: Oh, I'm sorry.	15:20:32
21	Q And you've had a chance to look at the	15:20:33
22	second page -- the second line. Can you tell me	15:20:36
23	what that reflects?	15:20:40
24	A Second line says, "Defendant on bond."	15:20:41

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1	Q Would you agree that that would suggest	15:20:48
2	that he was on bond as of 10/23/92?	15:20:50
3	A Yes, I'd say that's what that appears to be.	15:20:57
4	Q And it tends to correspond to the bond	15:21:00
5	slip which also says 10/23/92, right, in the	15:21:05
6	left-hand corner?	15:21:12
7	A Yes.	15:21:13
8	Q Okay. And then Mr. Vicente was arrested	15:21:15
9	on the date that he was in custody at Area 5 on	15:21:19
10	the same day as the Ruvalcaba murder; is that fair	15:21:23
11	to say?	15:21:27
12	A I don't know what date he went into custody.	15:21:27
13	MS. BONJEAN: Will you mark that, please?	15:22:36
14	(Dillon Deposition Exhibit 15 marked for	15:22:36
15	identification and attached to the transcript.)	15:22:45
16	Q I'm handing you what's been marked	15:22:45
17	Exhibit 15. Would you agree that this is an	15:22:48
18	arrest report for Francisco Vicente?	15:22:50
19	A Yes.	15:22:52
20	Q And it reflects that he was represented on	15:22:53
21	what date?	15:22:57
22	A It indicates he was arrested on May 14th,	15:22:57
23	1993, at 1:45 in the afternoon.	15:23:00
24	Q And it reflects he was arrested for	15:23:03

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1	three separate armed robberies; right?	15:23:06
2	A Yes.	15:23:11
3	Q That was on May 14th, 1992; right?	15:23:20
4	A 1993.	15:23:25
5	Q I mean '93. Correct?	15:23:25
6	A Yes, correct.	15:23:26
7	Q And do you know whether Mr. Vicente made	15:23:27
8	bail after he was arrested on May 14th, 1993?	15:23:31
9	A To my knowledge, he did not.	15:23:35
10	Q Okay. And he was -- do you remember what	15:23:38
11	date he was sentenced on?	15:23:41
12	A Without looking at either some type of	15:23:43
13	document or transcript of the proceedings, no.	15:23:48
14	MS. BONJEAN: Okay. I'll get you that.	15:23:48
15	(Dillon Deposition Exhibit 16 marked for	15:23:48
16	identification and attached to the transcript.)	15:24:34
17	Q When you've had a chance to thumb through	15:24:34
18	that, let me know. Okay?	15:24:40
19	A Sure. All right.	15:24:42
20	Q Would you agree that these transcripts	15:25:46
21	reflect the change of plea hearing that took place	15:25:48
22	in front of Judge Suria?	15:25:53
23	A Yes.	15:25:54
24	Q And as well as his sentencing?	15:25:55

1	A Yes.	15:25:57
2	Q And you stood up on that on behalf of the	15:25:57
3	State; correct?	15:26:00
4	A Correct.	15:26:01
5	Q Why did you stand up on it versus another	15:26:01
6	prosecutor?	15:26:04
7	A Because I was the first one who had contact	15:26:05
8	with Mr. Vicente; I was the person that had the	15:26:07
9	conversations with Mr. Vicente's attorney, so	15:26:12
10	that's why I was present. I didn't, you know,	15:26:16
11	dump it off on somebody else to do.	15:26:18
12	Q Okay. And this was -- this plea -- this	15:26:20
13	plea agreement that was entered into, that was a	15:26:24
14	negotiated plea; correct?	15:26:27
15	A Yes.	15:26:28
16	Q It was negotiated between yourself,	15:26:28
17	Mr. Vicente through his counsel with the Court's	15:26:31
18	approval; right?	15:26:33
19	A It wasn't with the Court's approval. It	15:26:35
20	was with -- we would make these recommendations to	15:26:40
21	the Court.	15:26:42
22	Q Okay. Well, if you look at page 13, it --	15:26:43
23	A Okay.	15:26:56
24	Q The Court says, "Pursuant to the agreement	15:26:57

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1	between the State the defense in the pretrial	15:27:00
2	conference -- at the pretrial conference" or I	15:27:04
3	think it said "and the pretrial conference."	15:27:04
4	A Okay.	15:27:04
5	Q Do you see that?	15:27:04
6	A Yes.	15:27:05
7	Q The Court indicates that this was an	15:27:05
8	agreement between the State and the defense; right?	15:27:08
9	A On that date, yes.	15:27:11
10	Q It wasn't just a recommendation. It was	15:27:12
11	pursuant to an agreement; right?	15:27:15
12	A Again, my understanding of reading this is	15:27:16
13	there was an agreement between State's Attorney's	15:27:20
14	Office and Mr. Vicente through his attorney.	15:27:23
15	Q Right.	15:27:27
16	A A pretrial conference took place prior to	15:27:28
17	the plea on September 23rd of 1996. So up until	15:27:32
18	that date the Judge was not necessarily in	15:27:35
19	agreement with what the disposition was going to	15:27:38
20	be. That didn't take place until we had that	15:27:40
21	pretrial conference prior to the plea.	15:27:42
22	Q Right. The only point I'm trying to make,	15:27:45
23	though, and correct me if I'm wrong, is that this	15:27:49
24	sentencing arrangement was pursuant to an agreement	15:27:53

1	between the parties; right?	15:27:55
2	A Yes.	15:27:56
3	Q Okay. And you also prepared the sentencing	15:27:56
4	order in the case; correct?	15:28:04
5	A Correct.	15:28:05
6	MS. BONJEAN: If you could mark that.	15:28:20
7	(Dillon Deposition Exhibit 17 marked for	15:28:20
8	identification and attached to the transcript.)	15:28:25
9	Q I've handed you what is marked Exhibit 17.	15:28:25
10	What is this document?	15:28:31
11	A This is an order signed by Judge Suria	15:28:32
12	which reflects the sentence that the Court imposed	15:28:37
13	on Mr. Vicente, also known as Carlos Morales.	15:28:39
14	Q And this is your handwriting; correct?	15:28:43
15	A It is.	15:28:45
16	Q And your name is reflected in the bottom	15:28:46
17	there?	15:28:49
18	A Yes. I drafted the order.	15:28:49
19	Q And you drafted the order --	15:28:50
20	A Correct.	15:28:52
21	Q -- based on the sentencing agreement that	15:28:52
22	had been entered into by the parties; correct?	15:28:54
23	A Correct.	15:28:57
24	Q And, also, you referenced this earlier,	15:28:57

Transcript of John Dillon
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1 you indicated that the defendant is credited for 15:29:00
2 1,476 days of time considered served? 15:29:03

3 A Correct. 15:29:06

4 Q Okay. And how did you reach that number? 15:29:07

5 A That's what his public defender told me. 15:29:09

6 Q So his public defender just told you 15:29:13
7 that date? 15:29:17

8 A It's reflected in the transcript at the 15:29:17
9 top of page 15. 15:29:19

10 Q Okay. Again, are you telling me that you 15:29:21
11 included this in the order based solely on the 15:29:24
12 representation of Mr. Vicente's defense attorney? 15:29:27

13 A Absolutely. 15:29:32

14 Q Okay. You didn't double-check it? 15:29:32

15 A I never double-checked. I take people's 15:29:35
16 representations as attorneys as the truth, and I 15:29:38
17 had no reason to question that. 15:29:41

18 Q Is it -- is it common for you to draft -- 15:29:42
19 as a prosecutor to draft the sentencing order? 15:29:45

20 A No. The Judge asked me to and I don't -- 15:29:48
21 I can't really explain to you why, but the Judge 15:29:51
22 asked me to. 15:29:53

23 Q How many times have you drafted the 15:29:54
24 sentencing order in a case? 15:29:55

1 A Other than the times the Judge asked me,
2 maybe two or three. But I can't speak as to why
3 Judge Suria asked me to, but he did, and I
4 followed his order.

5 Q Okay. He asked you specifically to draft
6 the order?

7 A He said, "State, will you draft the
8 order?" Because I felt Mr. Vicente was my
9 responsibility, I drafted that order.

10 Q And you remember Judge Suria asking you to
11 draft the order?

12 A Yeah. The Judge -- you know, the Judge
13 just wouldn't accept me throwing something up
14 to him.

15 Q Well, the defense could have drafted the
16 order; correct?

17 A The Judge asked the State to draft the
18 order. I did what the Judge asked me to do.

19 Q And that's what I'm asking. You have an
20 independent recollection of Judge Suria asking you
21 to do it; correct?

22 A Yes.

23 Q And when he asked you to do it, you
24 reflected this 1,476 days of custody -- of pretrial

1 custody time based solely on the representation of 15:30:43
2 his attorney? 15:30:45

3 A That's correct. 15:30:46

4 Q And you know now, of course, that that is 15:30:47
5 approximately -- let's see -- 156 days more than 15:30:50
6 Mr. Vicente was entitled to; right? 15:31:02

7 A I don't know that. I haven't done those 15:31:03
8 calculations. I'll accept your representation. 15:31:06
9 But in my 30-plus years of being a prosecutor, 15:31:10
10 that's how time credit was always given, by asking 15:31:14
11 the defense how much time do they have. I did 15:31:18
12 that in every single prosecution I ever handled. 15:31:21

13 Q Okay. So -- 15:31:21

14 A I never sat down and figured out how much 15:31:24
15 time, number one, because I knew that the Illinois 15:31:26
16 Department of Corrections reviews the amount of 15:31:30
17 credit a person gets, and if it's off, they send 15:31:31
18 requests back to have the minimus changed. 15:31:36

19 Q Well, in a case like this it's a little 15:31:38
20 unusual because Mr. Vicente was released on an 15:31:42
21 I bond. At least that's what it would reflect; 15:31:48
22 right? 15:31:52

23 MR. HORVAT: Objection to form of the 15:31:52
24 question. 15:31:53

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1	A	When you say "released on I bond," on	15:31:53
2		which case? He was released on an I bond in his	15:31:56
3		'92 armed robbery before these events took place.	15:32:01
4	Q	That was a D bond.	15:32:02
5	A	He was released on an I bond when he was	15:32:03
6		put in the witness quarters --	15:32:05
7	Q	Right?	15:32:05
8	A	-- and that was per the Judge's order and	15:32:06
9		the practice. That's the only time he was	15:32:09
10		released on an I bond to my knowledge.	15:32:11
11	Q	Right. And that's what I'm suggesting.	15:32:13
12		If someone is released on an I bond, is it fair to	15:32:15
13		say that he -- the calculation of how long he	15:32:18
14		spent in custody might not be accurately reflected?	15:32:20
15		I mean, how does that work?	15:32:22
16	MR. HORVAT:	Objection; speculation.	15:32:23
17		You can answer, if you know.	15:32:24
18	A	I'm not sure I understand your question.	15:32:26
19		If you're asking do they get credit for the time	15:32:28
20		while they're out on bond, the answer is no.	15:32:31
21	Q	No, what I'm asking is that, there's an	15:32:33
22		order that released Mr. Vicente on an I bond, but,	15:32:35
23		in fact, he went to the witness quarters.	15:32:39
24	A	Correct.	15:32:41

Transcript of John Dillon
Conducted on November 13, 2018

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1	Q In the main system of the Cook County	15:32:42
2	Department of Corrections, do you know whether it	15:32:45
3	reflects whether or not he's actually in custody	15:32:47
4	or whether he's actually out on this I bond? Do	15:32:49
5	you have a way of determining -- do you know	15:32:49
6	whether that --	15:32:52
7	A I don't know how the jail figures those	15:32:52
8	things out.	15:32:54
9	Q Okay. So do you want -- do you want to go	15:33:00
10	through the math here about whether or not he	15:33:02
11	received 156 days extra?	15:33:04
12	A I mean, the math is the math.	15:33:08
13	Q Uh-huh, right.	15:33:08
14	A So if you're telling me that's what it is,	15:33:10
15	then I have no reason to question that you're not	15:33:12
16	being forthcoming in telling me that's what it is.	15:33:14
17	Q Okay. I'm not great at math, but I did	15:33:17
18	check that multiple times today even and that's my	15:33:20
19	calculation. But you're right; it does speak for	15:33:22
20	itself.	15:33:25
21	But it's not your position that apart from	15:33:26
22	what we've just gone through that he had any	15:33:28
23	additional time in custody; right?	15:33:31
24	A No.	15:33:33

Transcript of John Dillon
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1	Q So just to recap, we established he was	15:33:34
2	arrested on July 25th, '92, on the robbery; right?	15:33:37
3	A Correct.	15:33:43
4	Q We've established that he was released on	15:33:45
5	bond on October 23, '92, at least according to the	15:33:47
6	bond slip and the certified statement of conviction;	15:33:51
7	right?	15:33:54
8	A Okay.	15:33:54
9	Q And according to the other arrest report	15:33:54
10	we looked at, he was back in custody as of	15:33:56
11	May 14th, '93; right?	15:33:58
12	A Correct.	15:34:03
13	Q And then as far as you know, and you have	15:34:03
14	no reason to doubt my representation that he wasn't	15:34:04
15	released at any point prior to his sentencing on	15:34:06
16	September 23rd, 1996; right?	15:34:09
17	A That's correct.	15:34:11
18	Q Okay. So from that the math is the math.	15:34:11
19	Now, do you have any idea why the defense	15:34:16
20	attorney in this case would have added 156 days to	15:34:19
21	Mr. Vicente's pretrial custody time?	15:34:25
22	MR. HORVAT: Objection; speculation,	15:34:27
23	foundation.	15:34:29
24	You can answer if you know.	15:34:29

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1	A I would assume he made an honest mistake.	15:34:30
2	Q So it's your position that 156 days was	15:34:33
3	just an oversight or a mistake on the part of	15:34:36
4	defense counsel?	15:34:41
5	A That's my belief.	15:34:41
6	Q Have you ever asked him?	15:34:42
7	A There was no reason for me to ask him.	15:34:43
8	Q If Mr. Vicente were to come in here and	15:34:45
9	testify that actually that was something that was	15:34:47
10	worked out in advance to try to get him some	15:34:49
11	additional time on the back end, that would be a	15:34:52
12	false statement?	15:34:55
13	MR. HORVAT: Objection to form.	15:34:55
14	<u>A That would be a lie.</u>	15:34:57
15	Q Do you know when Mr. Vicente was out of	15:35:08
16	custody again after his sentencing in	15:35:10
17	September of '96?	15:35:15
18	A I don't recall, no.	15:35:18
19	MS. BONJEAN: Can you mark this, please?	15:36:43
20	(Dillon Deposition Exhibit 18 marked for	15:36:43
21	identification and attached to the transcript.)	15:37:05
22	Q Mr. Dillon, do you see the police report	15:37:05
23	that's before you marked as Exhibit 18?	15:37:09
24	A Yes, I do.	15:37:14

Transcript of John Dillon
Conducted on November 13, 2018

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1 Q And does it reflect an arrest report for 15:37:14
2 Frankie Vicente again? 15:37:21

3 A It represents a person by the name of 15:37:21
4 Francisco Vicente. It is an arrest report, and 15:37:24
5 the date of the arrest is February 26th of 1997. 15:37:29

6 Q Right. And that you would agree was 15:37:32
7 approximately five months after he was sentenced? 15:37:36

8 A It's about five months, yes. 15:37:42

9 Q So he had already gone down to the 15:37:49
10 Department of Corrections and come back out and 15:37:52
11 picked up another bunch of armed robberies; right? 15:37:54

12 A Correct. 15:37:58

13 Q Do you remember when Mr. Vicente -- do you 15:37:59
14 have an independent recollection of Mr. Vicente 15:38:00
15 picking up these armed robberies in February of '97. 15:38:02

16 A I have an independent recollection of him 15:38:08
17 picking up the armed robberies. I don't recall 15:38:08
18 the dates however. 15:38:12

19 Q Do you have an independent recollection of 15:38:12
20 him reaching out to you looking for some type of 15:38:14
21 leniency, or help, or anything along those lines 15:38:17
22 in connection with these robberies? 15:38:21

23 A He spoke to an assistant from the felony 15:38:24
24 review unit who went out to review these armed 15:38:27

Transcript of John Dillon
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1 robberies. My understanding is when the assistant
2 apprised him of his rights and said, "You have a
3 right to an attorney," he said, "I want to talk to
4 my attorney John Dillon." At least that's what
5 was represented to me when I got called in the
6 middle of the night regarding this.

15:38:31

15:38:32

15:38:34

15:38:36

15:38:39

15:38:41

7 Basically, he was looking for consideration
8 on these cases, and I explained to the assistant
9 State's Attorney that I sat down with him at the
10 time of his plea and told him that we had lived up
11 to the terms of the agreement; he got his nine
12 years in Illinois Department of Corrections, that
13 if he picked up any cases in the future, he was on
14 his own, and we weren't going to give him any
15 consideration.

15:38:44

15:38:45

15:38:49

15:38:51

15:38:54

15:38:57

15:38:59

15:39:03

15:39:05

16 So I told that assistant State's Attorney
17 to tell him -- remind him of that conversation,
18 and he gets no consideration.

15:39:06

15:39:10

15:39:12

19 Q So when he picks up these armed robberies,
20 he wants consideration; right?

15:39:13

15:39:16

21 A Apparently. I didn't -- I never spoke to
22 him directly. I'm just -- this is what -- it
23 wasn't related to me that he was looking for
24 consideration. It was he's asking for me.

15:39:17

15:39:21

15:39:23

15:39:25

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1	Q Okay. So he gets arrested and the first	15:39:28
2	thing he does is ask for his Attorney John Dillon,	15:39:29
3	that being you?	15:39:33
4	A That's what was -- he was Mirandized.	15:39:34
5	That's what the assistant State's Attorney from	15:39:38
6	felony review related to me. He said, "I want my	15:39:40
7	lawyer John Dillon."	15:39:42
8	Q Do you have any idea why he thought you	15:39:43
9	were his lawyer?	15:39:46
10	MR. HORVAT: Objection; speculation,	15:39:46
11	foundation.	15:39:47
12	You can answer if you know.	15:39:50
13	A I'm assuming because he was looking for	15:39:51
14	some -- for me to try and help him out.	15:39:53
15	Q And as you sit here today, do you think	15:39:55
16	maybe he was looking for assistance when he was	15:39:56
17	picked up on four robberies back in '93 --	15:39:59
18	'92 and '93?	15:40:02
19	A No.	15:40:06
20	Q Why? What would be different in your mind?	15:40:06
21	A Well, again, as I told you on the Bouto	15:40:11
22	case he explained that the reason he was providing	15:40:14
23	that information to the police was because someone	15:40:16
24	who he believed to be an aligned gang member of	15:40:18

1 his was murdered by an opposing rival gang, and he 15:40:21
2 wanted to see that person get what's coming to 15:40:25
3 him. That's what he represented; that's what I 15:40:28
4 believed. 15:40:30

5 Q And someone with the character of Vicente 15:40:30
6 might not also simultaneously want to get some 15:40:33
7 leverage and get some benefit from his pending 15:40:35
8 cases that might send him to prison for the rest 15:40:39
9 of his life? 15:40:42

10 MR. HORVAT: Objection to form. Objection; 15:40:43
11 asked and answered, form. 15:40:44

12 Counsel, how many more times are you going 15:40:45
13 to ask this question? 15:40:46

14 A I don't know. I can't speak for what his 15:40:46
15 intentions were. 15:40:50

16 Q And it's not something, though, that you 15:40:51
17 believe was part of his intentions? 15:40:53

18 A Again, as I told you, he testified under 15:40:54
19 oath before the grand jury; he gave a handwritten 15:40:57
20 statement before he talked to me on my case. So I 15:41:00
21 didn't need to give him any consideration in order 15:41:03
22 to get his cooperation on the case because I 15:41:05
23 already had it when he testified under oath in the 15:41:07
24 grand jury. 15:41:09

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1	Q But when he came in in February of '97, he	15:41:10
2	definitely wanted some consideration; right?	15:41:14
3	A He was looking --	15:41:14
4	MR. HORVAT: Objection; speculation,	15:41:14
5	foundation -- wait a minute, John.	15:41:17
6	Go ahead. You can answer if you know.	15:41:19
7	A I believe that's what he was, but, again,	15:41:21
8	I only spoke with the assistant State's Attorney	15:41:23
9	from felony review.	15:41:25
10	Q Did the assistant State's Attorney from	15:41:26
11	felony review indicate that Vicente was able to	15:41:29
12	give up three or four more murders for your office?	15:41:32
13	A They didn't indicate that to me.	15:41:37
14	Q And, in fact, isn't it true that Vicente's	15:41:39
15	wife even wrote to the office looking for help at	15:41:43
16	a later point?	15:41:45
17	A Looking for some type of consideration --	15:41:46
18	Q Yes.	15:41:46
19	A -- I believe so.	15:41:48
20	MS. BONJEAN: Can you mark this, please?	15:41:50
21	(Dillon Deposition Exhibit 19 marked for	15:41:50
22	identification and attached to the transcript.)	15:42:29
23	Q Are you familiar with -- have you seen	15:42:29
24	this letter before?	15:42:31

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1	A	Since the advent of this litigation, yes.	15:42:32
2	Q	Okay. You didn't see this letter prior to	15:42:34
3		the advent of this litigation?	15:42:36
4	A	Correct.	15:42:37
5	Q	Okay. Do you know who Michelle Danno is?	15:42:38
6	A	I assume she's an administrative assistant	15:42:45
7		to Mr. Divine, who was the State's Attorney at the	15:42:49
8		time these events took place.	15:42:53
9	Q	Oh, well, I'm sorry, Michelle --	15:42:54
10	A	I'm sorry. It appears to be -- that	15:42:57
11		appears to be his significant other or something	15:42:58
12		along those lines, yes.	15:43:02
13	Q	She says "my fiancé."	15:43:04
14	A	Okay.	15:43:06
15	Q	But did you have any interactions with her?	15:43:06
16	A	No.	15:43:09
17	Q	Okay. And you'd agree that she represents	15:43:09
18		here that Mr. Vicente, her fiancé had "dealt with	15:43:12
19		a man by the name of John Dillon. Mr. Dillon	15:43:15
20		helped Francisco get into the penitentiary called	15:43:19
21		Illinois River Correctional Center in Canton,	15:43:23
22		Illinois, which is a special unit called SMU"?	15:43:23
23	A	That's what it says in the letter.	15:43:28
24	Q	And did you help Mr. Vicente get into the	15:43:29

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1	SMU unit of the Illinois River Correctional Center?	15:43:33
2	A Not my recollection, no.	15:43:37
3	Q Okay. Did anyone contact you about	15:43:39
4	Ms. Danno's request?	15:43:46
5	A I'm assuming given that it's written in	15:43:48
6	the top right-hand corner, "No consideration per	15:43:50
7	John Dillon, 8/28/1997" I assume somebody contacted	15:43:53
8	me from Mr. Divine's office regarding Mr. Vicente,	15:44:00
9	and I told that person the same thing I told the	15:44:02
10	assistant in felony review, that we had lived up	15:44:06
11	to the terms of our agreement, that he fully was	15:44:09
12	made aware of the fact that if he picked up any	15:44:11
13	other crimes, he was on his own. And that's what	15:44:13
14	this reflects.	15:44:16
15	Q Were you concerned about his safety after	15:44:16
16	Ms. Danno sent this letter saying that she wanted	15:44:18
17	help to get him back into the SMU unit?	15:44:20
18	A I didn't want to see anything bad happen	15:44:23
19	to him, but I wasn't going to help him because	15:44:26
20	that would have been additional consideration for	15:44:28
21	the cases that we had tried, and that was never	15:44:30
22	part of the agreement. As a matter of fact, like	15:44:32
23	I said, I sat down and explained it to him, "We've	15:44:34
24	lived up to our terms of the bargain; you've	15:44:37

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1 gotten your 9 years in the Illinois Department of
2 Corrections; you've lived up to your terms of the
3 bargain; it's over now today when you go, and if
4 you pick up any other cases, you're on your own."
5 And that was -- couldn't have been made more clear
6 to him.

7 Q Now, are you familiar with the allegations
8 that Mr. Vicente has made against -- specifically
9 against you and Mr. Coghlan?

10 A I have not been made aware of any
11 allegations against me.

12 Q Okay. Are you aware of that Mr. Vicente
13 has alleged that you fed him or assisted in feeding
14 him the story surrounding Serrano and Montanez'
15 involvement in the Vargas murder?

16 A I have not seen any document where
17 Mr. Vicente has stated that I did that.

18 Q Okay. Have you looked at any -- well,
19 strike that.

20 If, in fact -- if I were to show you a
21 document where he had made this allegation, would
22 that -- would you say that that would be a false
23 statement on his part?

24 A A bold-faced lie is what I would tell you.

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1 Q And if Mr. Vicente had made the allegation 15:45:50
2 that you were also involved directly in helping 15:45:55
3 feed the story to him regarding Geraldo Iglesias' 15:45:58
4 involvement in the Roman murder, would that also 15:46:05
5 be a lie on his part or false statement on his part? 15:46:07

6 A That would be a bold-faced lie, yes. 15:46:11

7 Q And if Mr. Vicente alleged that you or 15:46:14
8 members of your office actively arranged for him 15:46:15
9 to be put in proximity to Mr. Iglesias so that he 15:46:18
10 could later plausibly claim that Mr. Iglesias made 15:46:23
11 certain statements to him, would that also be a 15:46:26
12 false statement or a lie on his part? 15:46:29

13 A It would be a bold-faced lie, yes, it would. 15:46:31

14 MS. BONJEAN: And if you could give me one 15:46:40
15 second, I just want to make sure that I've gotten 15:46:41
16 through these documents. 15:46:44

17 Q Do you have any thoughts about why 15:47:16
18 Mr. Vicente would now be making these statements? 15:47:18

19 MR. HORVAT: Objection to form, 15:47:20
20 foundation, speculation. 15:47:21

21 You can answer if you know. 15:47:22

22 A I assume he's angry with me because I 15:47:24
23 wouldn't help him out when he got his armed 15:47:29
24 robberies in 1997 and got sentenced to a significant 15:47:31

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1 term in the penitentiary. My recollection is the 15:47:34
2 State's Attorney from felony review said that he 15:47:38
3 was making allegations of somebody is going to pay 15:47:41
4 for this. 15:47:43

5 Q Mr. Vicente is the type of guy then, you 15:47:45
6 would agree at least at this juncture, that would 15:47:48
7 lie when it suited him; right? 15:47:51

8 MR. HORVAT: Object to speculation, 15:47:53
9 foundation, form. 15:47:54

10 You can answer if you understand. 15:47:56

11 A I can only speak as to if he's making these 15:47:57
12 types of allegations against me, they're a lie. 15:48:01

13 Q He's lied on you; right? He's lied 15:48:03
14 against you; correct? 15:48:06

15 A If what you've represented to me is what 15:48:06
16 he's saying, then yes, I agree. 15:48:11

17 MS. BONJEAN: Hold on one second. 15:48:29

18 Q Mr. Dillon, didn't Vicente make an ARDC 15:48:36
19 complaint against you at one point? 15:48:39

20 A He did. 15:48:41

21 Q Do you know what the allegation was? 15:48:42

22 A I don't. 15:48:43

23 Q Do you know when he made the ARDC complaint 15:48:44
24 against you? 15:48:47

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1 A Shortly after he picked up these armed
2 robberies and had the felony review assistant
3 contact me.

4 MS. BONJEAN: All right. I don't have
5 copies of this. It was produced. I don't know if
6 you want to make copies -- oh, you have a copy there.

7 (An off-the-record discussion was held.)

8 Q Okay. Have you seen a recent affidavit
9 from Mr. Vicente?

10 A Yes.

11 Q And in that affidavit would you agree that
12 he alleges that the statements that he made in
13 connection with the Montanez, Serrano, Pacheco,
14 Bouto, and Iglesias murders were false and that
15 they were concocted by Guevara, Halvorsen, and
16 State's Attorneys Coghlan and Dillon?

17 A 25 years after the fact, yes.

18 Q Well, he made those statements long before
19 that, too?

20 A 25 years after the fact. I've seen no
21 sworn statement of Mr. Vicente prior to this that
22 alleges that I did those things, none.

23 Q You're aware that he made statements to
24 certain students at Northwestern Medill School of

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1	Journalism back in -- I don't remember exactly what	15:50:09
2	year it was but it was well before?	15:50:14
3	A Again, no sworn statement under oath	15:50:17
4	saying that I did those things until 25 years	15:50:19
5	after the fact.	15:50:22
6	Q Okay. But you're aware that he made those	15:50:23
7	statements prior to -- at least there's -- you	15:50:27
8	know there's someone that's going to say that he	15:50:29
9	made those statements?	15:50:30
10	MR. HORVAT: I'm going to object to the	15:50:31
11	microtomization of what's in that affidavit or in	15:50:34
12	those notes.	15:50:35
13	But if you understand, go ahead.	15:50:35
14	A No, I don't agree with that.	15:50:36
15	Q Well, are you familiar with -- did you see	15:50:37
16	any affidavit, notes, or memorandums that were	15:50:38
17	prepared by students of the Medill School of	15:50:43
18	Journalism?	15:50:44
19	A I have seen pages but I have not had the	15:50:45
20	opportunity to review all of them because they	15:50:48
21	were given to me recently.	15:50:50
22	Q Okay. But you know what I'm referring to;	15:50:51
23	right?	15:50:56
24	A I think those were 10 years after his	15:50:56

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1	testimony.	15:50:58
2	Q That might be fair. You've seen them,	15:50:58
3	that's my question, though. Right?	15:51:02
4	A I've seen documents, yes.	15:51:04
5	Q And the -- there were individuals who	15:51:05
6	prepared those documents, who at least those	15:51:08
7	documents reflect statements by Francisco Vicente,	15:51:10
8	correct, that include allegations against you;	15:51:16
9	right?	15:51:18
10	MR. HORVAT: Objection; misstates what	15:51:18
11	those documents state.	15:51:21
12	But if you understand the question, go	15:51:22
13	ahead.	15:51:22
14	A I saw an affidavit 10 years after the	15:51:24
15	incident took place where he directs wrongdoing on	15:51:26
16	the part of Detectives Guevara and Halvorsen under	15:51:32
17	oath. That's what I've seen.	15:51:37
18	Q All right.	15:51:37
19	A There's no mention of my name in that	15:51:38
20	affidavit --	15:51:41
21	Q You're making --	15:51:41
22	A -- if I recall correctly.	15:51:41
23	Q Sorry; I don't mean to interrupt. You're	15:51:42
24	making a distinction between sworn statements and	15:51:43

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1	hearsay statements that have been reflected in a	15:51:46
2	memo; right?	15:51:47
3	A They're not prepared by Mr. Vicente.	15:51:48
4	They're not sworn to or agreed by Mr. Vicente, so	15:51:50
5	yes, I am.	15:51:53
6	Q Okay. And that's fine. But I'm simply	15:51:53
7	trying to get to -- because you're getting way	15:51:57
8	ahead of me -- have you seen those documents that	15:51:59
9	were prepared by the students?	15:52:02
10	A I told you I've seen some emails that I	15:52:03
11	have not had the opportunity to review because I	15:52:06
12	believe it's like over 400 pages of them, and I	15:52:08
13	have seen the affidavit that was prepared by those	15:52:11
14	students back in, I think it was 2003.	15:52:16
15	Q That's correct.	15:52:19
16	A So the affidavit I did see and I did read.	15:52:21
17	Q And prior to the preparation of that	15:52:24
18	affidavit, there are memorandums and/or affidavit	15:52:26
19	notes that reflect allegations by Mr. Vicente	15:52:30
20	directed at you and Mr. Coghlan. Have you seen	15:52:35
21	those?	15:52:39
22	MR. HORVAT: Object to the	15:52:39
23	mischaracterization.	15:52:40
24	You can answer the question.	15:52:41

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1	MS. BONJEAN: You know what? Why don't we	15:52:41
2	take a break, and I'll get those out so he can	15:52:43
3	look at them.	15:52:43
4	MR. HORVAT: He can answer the question.	15:52:43
5	MS. BONJEAN: What's that?	15:52:45
6	MR. HORVAT: There's a question pending.	15:52:45
7	You told him you want the answer, so he should	15:52:47
8	answer first.	15:52:48
9	A I don't recall that.	15:52:49
10	MS. BONJEAN: Okay. Fine. He doesn't	15:52:51
11	recall. We can take a break and I'll get those.	15:52:52
12	THE WITNESS: We are going off the record.	15:52:53
13	The time is 3:52 p.m.	15:52:56
14	(Recess taken, 3:52 p.m. to 4:03 p.m.)	16:03:02
15	THE VIDEOGRAPHER: We are back on the	16:03:05
16	record. The time is 4:03 p.m.	16:03:08
17	MS. BONJEAN: I'm going to ask that you	16:03:10
18	mark that, please.	16:03:13
19	(Dillon Deposition Exhibit 20 marked for	16:03:13
20	identification and attached to the transcript.)	16:03:35
21	BY MS. BONJEAN:	16:03:35
22	Q Mr. Dillon, why don't you take a minute	16:03:36
23	and look through this.	16:03:38
24	A Okay.	16:03:40

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1	Q And it's double-sided and it's -- I'm	16:03:41
2	going to direct you more to the second page more	16:03:44
3	than anything. But go ahead.	16:03:47
4	A Okay. You said on page 2?	16:03:48
5	Q Tell me whenever you're ready.	16:07:11
6	A Page 2 is the second page?	16:07:13
7	Q Yes -- well, that's the start of the memo.	16:07:16
8	Okay. Can I direct you? And then I'll give you	16:07:19
9	an opportunity to review.	16:07:21
10	A That's fine.	16:07:21
11	Q You would agree that the date of the -- it	16:07:22
12	says "Team Serrano" memo -- is April 9th, 2004?	16:07:23
13	That's what it reflects?	16:07:25
14	A That's what it reflects.	16:07:25
15	Q Okay. Have you seen this memo before?	16:07:27
16	A No.	16:07:29
17	Q Okay. That's what I was asking earlier.	16:07:29
18	And, again, I'd like to draw your attention	16:07:33
19	specifically to a couple spots. If you -- if you	16:07:41
20	can, for instance, go to the bottom of -- the	16:07:59
21	Bates stamp is SERRANO 7695.	16:08:02
22	A Okay.	16:08:08
23	Q Okay. And if you could go to the second	16:08:09
24	to the last paragraph, there's a quote there	16:08:24

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1	that's attributed to Vicente, "You guys would see	16:08:27
2	how many times I was pulled out of my cell at	16:08:31
3	5:00 a.m., almost boastful. Investigators in	16:08:34
4	suits would see me. They knew me at the State's	16:08:36
5	Attorney's Office. I got familiar with Pack Witt."	16:08:38
6	Do you know who Pack Witt is?	16:08:41
7	A No idea.	16:08:44
8	Q "With Jack O'Malley." Do you know who	16:08:44
9	Jack O'Malley is?	16:08:46
10	A He was the State's Attorney of Cook County.	16:08:46
11	Q Right. "I tried to pick up little	16:08:49
12	conversations. I heard witnesses come to the	16:08:49
13	State's Attorney. That's how I got the money,	16:08:49
14	like \$1200 plus a few hundred for moving expenses.	16:08:51
15	I had to say that I wasn't receiving special	16:08:54
16	favours." Do you see that?	16:08:56
17	A Yes.	16:08:58
18	Q Okay. Did Mr. Vicente get cash money in	16:08:58
19	the amount of \$1200?	16:09:01
20	A Not to my knowledge, no.	16:09:03
21	Q Okay. Was he told that he had to say he	16:09:04
22	wasn't receiving special favours by you?	16:09:07
23	A No.	16:09:11
24	Q Okay. Did you ever hear anyone tell	16:09:12

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1	Vicente that he could not admit that he was	16:09:16
2	getting special favors from either the State's	16:09:18
3	Attorneys or the detectives in the case?	16:09:21
4	A I'm sorry; could you repeat that?	16:09:23
5	Q Did you ever hear anyone tell Mr. Vicente	16:09:24
6	that he could not admit that he was getting special	16:09:28
7	privileges, or money, or any types of benefits	16:09:30
8	from either other State's Attorneys, yourself, or	16:09:33
9	other police officers?	16:09:38
10	A No, I never heard anyone say that.	16:09:38
11	Q Was Mr. Vicente provided with any so-called	16:09:41
12	moving expenses?	16:09:45
13	A Not to my recollection.	16:09:46
14	Q When an individual or witness is receiving	16:09:48
15	so-called moving expenses or any -- from the Cook	16:09:52
16	County State's Attorney's Office, that's something	16:09:59
17	that you'd have to get approval for; right?	16:10:00
18	A Yes.	16:10:02
19	Q And that is something that does happen	16:10:02
20	from time to time; right?	16:10:04
21	A It would be from the relocation unit of	16:10:05
22	the State's Attorney's Office.	16:10:09
23	Q It's happened through the relocation	16:10:09
24	office, and should there be some type of paper	16:10:12

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1	trail memorializing that?	16:10:18
2	A Yes.	16:10:20
3	Q Okay. Do you remember approving or	16:10:21
4	recommending that Mr. Vicente receive any moving	16:10:24
5	expenses through the relocation office?	16:10:27
6	A No.	16:10:30
7	Q On the next page you see -- okay. I'm	16:10:32
8	going to direct you to the second paragraph there.	16:11:00
9	Quote, "There was one lawyer who got in an	16:11:04
10	argument, a PD in Cook, glasses and a ponytail,	16:11:06
11	lazy eye, shorter guy, I don't remember his name.	16:11:09
12	Sergio seemed to know who Vicente might be talking	16:11:13
13	about and suggested a name, Gary, I didn't catch	16:11:18
14	the last name in time. He was appointed as	16:11:22
15	Vicente's public defender, so we can look it up in	16:11:24
16	State records. He apparently told John Dillon	16:11:24
17	that the SA's office was, quote/unquote, 'fucking	16:11:26
18	around' with Vicente. When you're in SMU, you	16:11:30
19	don't get any court appearances, Vicente said.	16:11:32
20	The public defender closed his deals for him."	16:11:35
21	Do you read that?	16:11:39
22	A Yeah.	16:11:40
23	Q And is that consistent with your	16:11:41
24	recollection?	16:11:42

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1	A I don't know what he's talking about.	16:11:42
2	Q Okay. If you go down to the -- not the	16:11:45
3	next paragraph but the -- no, with the asterisk,	16:11:50
4	it says, "Note, seems that Vicente trusts this guy	16:11:55
5	and also that he might be able to provide	16:11:58
6	corroboration about the coercion that took place	16:12:02
7	in the State's Attorney's Office." Do you see that?	16:12:04
8	A Yes.	16:12:04
9	Q Okay. Did you ever witness any coercion	16:12:05
10	of Mr. Vicente in the State's Attorney's Office?	16:12:07
11	A None.	16:12:09
12	Q Okay. In the next paragraph he says,	16:12:09
13	"John Dillon and Matt Coghlan were right up on me.	16:12:12
14	Guevara and Halvorsen would show up. I was up in	16:12:16
15	the office so many times. They made sure in	16:12:17
16	Pacheco that I had every word memorized. Matt was	16:12:19
17	pissed about Pacheco. That relationship went bad."	16:12:24
18	Do you see that?	16:12:27
19	A I see that.	16:12:27
20	Q Do you know Pacheco was acquitted?	16:12:29
21	A Since the advent of this litigation, yes.	16:12:31
22	Q Okay. At the time you weren't aware that	16:12:33
23	Mr. Pacheco was acquitted?	16:12:34
24	A I told you, in April of 1994 I was up on	16:12:34

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1 the 14th floor assigned to the felony review unit.

16:12:40

2 I was no longer in the gang unit.

16:12:41

3 Q Okay. And at any point did Matt Coghlan
4 express to you any dissatisfaction, or anger, or
5 frustration that Pacheco had been acquitted?

16:12:43

16:12:46

16:12:47

6 A I didn't talk to Matt Coghlan about this
7 case at all.

16:12:49

16:12:52

8 Q Okay. And he reports in the next
9 paragraph that he used to get two free phone calls
10 a day and that, "Coghlan and Dillon would call
11 you," or call him, I guess. Did you ever call
12 Mr. Vicente on the phone while he was housed at
13 the witness quarters?

16:12:53

16:12:55

16:12:58

16:13:01

16:13:04

16:13:07

14 A No. If anything, I tried to avoid his
15 calls to me.

16:13:08

16:13:11

16 Q Why?

16:13:13

17 A Because he --

16:13:14

18 Q Because he was asking --

16:13:14

19 A Because he would ask for things. It was
20 an annoyance, like having a child.

16:13:17

16:13:19

21 Q Okay. On the next page there's an
22 asterisk -- I'm sorry -- there's italics that
23 says, "Who coached you?" Do you see that?

16:13:44

16:13:48

16:13:49

24 A Yes.

16:13:51

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1	Q And he says, "John Dillon (Serrano and	16:13:52
2	Bouto) and Matt Coghlan (Iglesias) coached Vicente	16:13:54
3	on what to say." Do you see that?	16:13:56
4	A Yes.	16:13:58
5	Q Again, I understand it's not a sworn	16:13:58
6	statement, but as of whatever this date is, 2004,	16:14:00
7	there's an indication by a student that Vicente	16:14:06
8	told them that. Do you see that?	16:14:11
9	A I see that.	16:14:12
10	Q And is that -- is there any truth to that	16:14:13
11	statement?	16:14:16
12	A Absolutely none.	16:14:16
13	Q He wrote, "Matt Coghlan had Halvorsen and	16:14:18
14	Guevara there to craft the statements. Guevara is	16:14:24
15	more like the boss, really slick when it came to	16:14:26
16	crime scenes. He got four different IGs in	16:14:30
17	different sections. It doesn't add up." Do you	16:14:32
18	see that?	16:14:34
19	A Yes.	16:14:35
20	Q Okay. Did you ever witness Guevara	16:14:35
21	concocting or feeding stories to any witness?	16:14:39
22	A No.	16:14:42
23	Q Did you ever witness Guevara or Halvorsen	16:14:43
24	feeding any version of the stories in the Bouto	16:14:47

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1	case, or the Serrano/Montanez, or the Iglesias	16:14:52
2	case to Mr. Vicente?	16:14:57
3	A No.	16:14:58
4	Q Okay. In the "Bouto Details," this is	16:15:07
5	again as of 2004, it says, "Frankie was in the	16:15:09
6	bullpen at Grand and Central with Bouto, who was	16:15:11
7	also an IG, arrested on the same day as Vicente.	16:15:15
8	Bouto told Frankie what he had been locked up for	16:15:19
9	but did not confess to the crime." Do you see that?	16:15:23
10	A Yes.	16:15:34
11	Q And he alleges that Guevara beat him all	16:15:34
12	over the cell. Do you see that? It's in the next	16:15:38
13	paragraph, "Guevara beat me all over the cell."	16:15:43
14	A I'm sorry; I'm looking for it.	16:15:47
15	Q Yeah, it's under the "Bouto Details," the	16:15:49
16	second -- it's a one-sentence paragraph. "When he	16:15:51
17	didn't agree to testify in the case" --	16:15:55
18	A Yes.	16:15:56
19	Q Do you see that?	16:15:58
20	A Started hitting him, huh-huh.	16:15:59
21	Q Did you have any prior knowledge that	16:16:02
22	Guevara had physically abused Mr. Bouto?	16:16:03
23	A No.	16:16:03
24	Q Strike that; I'm sorry. Did you ever have	16:16:06

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1 any knowledge that Mr. Guevara physically abused
2 Mr. Vicente?

16:16:07

16:16:12

3 A No.

16:16:12

4 Q It says, "Frankie was summoned to the
5 State's Attorney's Office. John Dillon coached
6 him on what to say at the trial, using ideas
7 generated by Halvorsen and Guevara." Do you
8 see that?

16:16:13

16:16:16

16:16:18

16:16:22

16:16:26

9 A Yes.

16:16:26

10 Q Is that a true statement?

16:16:26

11 A Absolutely not.

16:16:27

12 Q You never coached Mr. Vicente?

16:16:28

13 A No.

16:16:31

14 Q So I'm not going to go through the whole
15 thing, but the point is that, were you aware that
16 Vicente had made statements or at least according
17 to a student at Northwestern had made statements
18 accusing you and Mr. Coghlan of coaching or
19 coercing the -- his testimony back in 2004?

16:16:45

16:16:50

16:16:52

16:16:54

16:16:57

16:17:01

20 A Not until this litigation, no.

16:17:04

21 Q Okay. And you didn't see this until just
22 now; is that fair to say?

16:17:07

16:17:10

23 A Like I said, I was -- I was given some
24 documents that were generated by Northwestern, but

16:17:12

16:17:15

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1 because they're so voluminous, I haven't had the 16:17:20
2 chance to review it. 16:17:27

3 Q Okay. So you may have it; you don't have 16:17:28
4 a recollection of it? 16:17:28

5 A I don't have a recollection of seeing this 16:17:29
6 before, no. 16:17:31

7 Q Okay. Were you aware or did you have 16:17:31
8 knowledge of the postconviction proceedings that 16:17:33
9 went forward in the Serrano and Montanez cases 16:17:35
10 when they were occurring? 16:17:38

11 A No. 16:17:39

12 Q Were you down at 26th Street in 2014, sir? 16:17:40

13 A I retired at the end of 2014. Prior to my 16:17:45
14 retirement I was on the 4th floor of the court 16:17:49
15 building, which is where the grand jury is 16:17:52
16 located. That's where my offices were located. 16:17:55

17 Q Okay. And did you receive any information 16:17:57
18 from any person regarding the postconviction 16:17:59
19 proceedings that were occurring in the 16:18:04
20 Serrano/Montanez case during that period of time? 16:18:08

21 A The only thing I can remember is I think 16:18:11
22 it was Kurt Smitko coming in and saying to me 16:18:15
23 Chino took the Fifth. 16:18:20

24 Q Uh-huh. 16:18:20

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1	A But I don't understand postconviction law,	16:18:24
2	so that didn't really mean anything to me.	16:18:27
3	Q But you must have known that there was a	16:18:29
4	hearing, though, going on; correct?	16:18:34
5	A Well, when he came down and told me that,	16:18:35
6	yeah, I assumed there was.	16:18:38
7	Q And prior to Vicente taking the Fifth	16:18:39
8	Amendment at the postconviction hearing, had you	16:18:44
9	heard anything about the Serrano/Montanez	16:18:45
10	postconviction proceedings?	16:18:48
11	A No.	16:18:49
12	Q Had you had any conversations with	16:18:49
13	Matt Coghlan about those proceedings --	16:18:51
14	A No.	16:18:53
15	Q -- at any point?	16:18:53
16	A Never.	16:18:54
17	Q Did you ever talk to Judge Boyle about	16:18:54
18	those proceedings?	16:18:57
19	A Never.	16:18:58
20	Q Do you know who Judge Boyle is?	16:18:58
21	A Yes.	16:19:00
22	Q Have you ever appeared before her?	16:19:00
23	A Yes.	16:19:03
24	Q Have you ever worked with her?	16:19:04

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1	A	I supervised her.	16:19:05
2	Q	And what year did you supervise her?	16:19:07
3	A	It was while I was a deputy supervisor in	16:19:11
4		felony review, and I was up there from '94 to '97.	16:19:15
5		So during that period of time when she was a line	16:19:23
6		assistant going through felony review.	16:19:28
7	Q	And did she -- did you ever speak with	16:19:32
8		Celeste Stack about the postconviction case that	16:19:41
9		was pending before Judge Boyle?	16:19:43
10	A	No.	16:19:44
11	Q	Have you ever had any conversation with	16:19:45
12		Celeste Stack at all?	16:19:48
13	A	About any of these matters?	16:19:48
14	Q	Yes.	16:19:50
15	A	No.	16:19:50
16	Q	You know who she is, though; right?	16:19:51
17	A	Yes.	16:19:53
18	Q	Have you ever had an opportunity to work	16:19:53
19		with her?	16:19:54
20	A	No.	16:19:55
21	Q	Did you ever supervise her?	16:19:55
22	A	No.	16:19:57
23	Q	Have you had conversations with her separate	16:19:59
24		and apart from these Guevara cases?	16:20:05

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1	A	Just maybe like passing in the hall and	16:20:07
2		saying hello, but that's the extent of it.	16:20:10
3	Q	Okay. Did she ever ask you about that	16:20:12
4		June 2nd, 1993, meeting?	16:20:15
5	A	She never talked to me about anything	16:20:18
6		involving these cases.	16:20:21
7	Q	And had you talked to Kurt Smitko at all	16:20:27
8		apart from what you just identified?	16:20:31
9	A	No.	16:20:33
10	Q	Do you know why he came up to you and told	16:20:33
11		you that Francisco Vicente took the Fifth?	16:20:35
12	A	Because over the course of the years I,	16:20:39
13		you know, told the story of how a felony review	16:20:41
14		assistant called me in the middle of the night,	16:20:46
15		paged me to tell me that somebody I dealt with in	16:20:48
16		a case was claiming that I was his attorney. It	16:20:50
17		was kind of a joke.	16:20:54
18	Q	I see. And Smitko had heard that story,	16:20:54
19		so he just knew your familiarity with Mr. Vicente?	16:20:58
20	A	Maybe some --	16:20:58
21	MR. HORVAT:	Objection to foundation,	16:21:03
22		speculation.	16:21:05
23		You can answer.	16:21:05
24	Q	If you know.	16:21:08

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1	A All I can guess is he thought I may have	16:21:09
2	seen it as humorous.	16:21:15
3	Q Okay. And apart from that one comment	16:21:15
4	from Kurt Smitko to you, if I understand you	16:21:15
5	correctly, you had no conversations with anyone	16:21:17
6	regarding the Serrano/Montanez postconviction	16:21:19
7	proceedings?	16:21:23
8	A I was never involved in the case, so there	16:21:23
9	was no any reason for me to have any conversations	16:21:26
10	with anyone.	16:21:27
11	Q Okay. And according -- you haven't had	16:21:28
12	any conversations with anyone about the Bouto	16:21:30
13	postconviction proceedings, either; right?	16:21:31
14	A No.	16:21:33
15	Q What about the Iglesias postconviction	16:21:34
16	proceedings?	16:21:36
17	A No.	16:21:36
18	MS. BONJEAN: I think I'm good and I will	16:21:48
19	let -- give me one second, if you would.	16:21:50
20	MR. HORVAT: Do you want to take a break,	16:21:54
21	Counsel, or do you just need a second?	16:21:57
22	MS. BONJEAN: Why don't we so I don't	16:21:58
23	rush. If we could just take two minutes. I think	16:22:01
24	we're fine but if we could.	16:22:01

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1	THE VIDEOGRAPHER: We are going off the	16:22:03
2	record. The time is 4:21 p.m.	16:22:05
3	(Recess taken, 4:21 p.m. to 4:26 p.m.)	16:26:26
4	THE VIDEOGRAPHER: We are back on the	16:26:27
5	record. The time is 4:26 p.m.	16:26:32
6	BY MS. BONJEAN:	16:26:35
7	Q Mr. Dillon, just a couple questions.	16:26:36
8	When you were in the Cook County State's	16:26:42
9	Attorney's Office gang crimes unit with Mr. Vicente	16:26:47
10	and Mr. Halvorsen on June 2nd, 1993, you testified	16:26:49
11	that you were kind of coming in and out of the	16:26:52
12	room; right?	16:26:55
13	A Yes.	16:26:55
14	Q Okay. And when you were coming in and out	16:26:56
15	of the room, and you left the room, you left	16:26:59
16	Mr. Vicente and Mr. Halvorsen in the room together?	16:27:03
17	A Yes.	16:27:05
18	Q Okay. Could you hear what was going on	16:27:05
19	inside the room?	16:27:09
20	A No. Because I would have been going to my	16:27:10
21	office, which was maybe 15 or 20 yards away roughly.	16:27:12
22	Q Okay. And I know you've testified that	16:27:22
23	you didn't participate in any questioning as it	16:27:28
24	relates to the Serrano/Montanez case, but with	16:27:31

1 respect to the Bouto case, I'm not sure I understood 16:27:38
2 your answer to this, but did you discuss with 16:27:40
3 Mr. Vicente the statements that were made to him 16:27:44
4 by Mr. Bouto in one setting, or did you leave and 16:27:47
5 then come back and question him more about that? 16:27:51
6 Do you remember? 16:27:54

7 A I believe it was in one -- one seating. 16:27:54

8 Q Okay. And do you remember coming back and 16:27:58
9 forth one time, or was it multiple times, or it's 16:28:06
10 just a vague recollection at this point? 16:28:09

11 MR. HORVAT: Objection; speculation. 16:28:13

12 You can answer if you know. 16:28:15

13 A My recollection is a few times. 16:28:17

14 Q Okay. And did you -- and could you see if 16:28:19
15 anyone else came into the conference room when you 16:28:21
16 went back into your office? 16:28:23

17 A No. 16:28:24

18 Q Were you able to see inside the conference 16:28:26
19 room or the front of the conference room from your 16:28:28
20 office? 16:28:33

21 A Well, you see the door you have right 16:28:33
22 there -- 16:28:37

23 Q Sure. 16:28:37

24 A -- with the glass on the side? 16:28:38

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1	Q Uh-huh.	16:28:38
2	A Probably something similar to that with	16:28:40
3	the exception of the door was open, and when I	16:28:42
4	stepped away, it wasn't like for 20 minutes or	16:28:47
5	half an hour. It was probably maybe five minutes,	16:28:50
6	something like that.	16:28:53
7	Q But were you monitoring the front door?	16:28:54
8	A No, I wasn't monitoring the front door.	16:28:56
9	MS. BONJEAN: We have nothing further.	16:29:07
10	MR. HIRST: I have just a handful of	16:29:13
11	questions.	16:29:15
12	EXAMINATION BY COUNSEL FOR DEFENDANT MATTHEW COGHLAN	11:40:16
13	BY MR. HIRST:	16:29:17
14	Q Mr. Dillon, my name is Morgan Hirst. I	16:29:17
15	represent Matt Coghlan in this matter.	16:29:17
16	Before today have you and I ever had any	16:29:22
17	communication whatsoever?	16:29:24
18	A No.	16:29:25
19	Q And other than introducing myself downstairs,	16:29:26
20	have we ever had any communication whatsoever?	16:29:28
21	A No.	16:29:30
22	Q You've testified about the June 2nd meeting	16:29:31
23	at the State's Attorney's Office with Mr. Vicente	16:29:34
24	and the June 9th meeting at the State's Attorney's	16:29:38

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1	Office with Mr. Vicente.	16:29:41
2	First, on the June 2nd meeting I just want	16:29:42
3	to be clear. I believe you testified Matt Coghlan	16:29:45
4	was not at that meeting.	16:29:46
5	A That's correct.	16:29:48
6	Q At the June 9th meeting, was Matt Coghlan	16:29:49
7	at that meeting?	16:29:53
8	A No.	16:29:53
9	Q On or before June 9th of 1993, did	16:29:54
10	Mr. Vicente ever communicate to you in any way	16:30:00
11	that he had met with Matt Coghlan?	16:30:02
12	A No.	16:30:03
13	Q Or that he had had any contact with	16:30:04
14	Matt Coghlan whatsoever?	16:30:07
15	A No, he did not.	16:30:08
16	Q On or before June 9th, 1993, did Detective	16:30:09
17	Halvorsen ever communicate to you that he had any	16:30:15
18	contact with Matt Coghlan concerning Francisco	16:30:17
19	Vicente?	16:30:22
20	A No.	16:30:22
21	Q On or before June 9th, 1993, did Detective	16:30:23
22	Guevara ever communicate to you that he had any	16:30:27
23	contact with Matt Coghlan related in any way to	16:30:30
24	Francisco Vicente?	16:30:36

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1	A No.	16:30:36
2	Q Did you have any contact with Matt Coghlan	16:30:37
3	on or before June 9th, 1993, relating in any way	16:30:38
4	to Francisco Vicente?	16:30:42
5	A None.	16:30:45
6	Q Do you have any reason to believe that	16:30:45
7	Matt Coghlan had any contact relating in any way	16:30:48
8	to Francisco Vicente on or before your second	16:30:51
9	meeting on June 9th, 1993?	16:30:55
10	A I have no reason to believe that	16:30:57
11	Mr. Coghlan had any contact with him until after	16:31:00
12	the Serrano/Montanez case was charged.	16:31:02
13	MR. HIRST: I have no other questions.	16:31:05
14	Thank you.	16:31:08
15	MS. CARNEY: I have no questions.	16:31:10
16	MR. ENGQUIST: I have none.	16:31:10
17	MR. HORVAT: We will reserve.	16:31:11
18	MS. BONJEAN: I just want one quick	16:31:14
19	question.	16:31:17
20	EXAMINATION BY COUNSEL FOR PLAINTIFF ARMANDO SERRANO	16:31:17
21	BY MS. BONJEAN:	16:31:18
22	Q If Mr. Vicente alleged that he did have	16:31:18
23	contact with both you and Mr. Coghlan as it	16:31:21
24	relates to the Serrano/Montanez prosecution prior	16:31:24

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1 to June 8th, 1993, it's your testimony that he's 16:31:30
2 not telling the truth about that? 16:31:34

3 A That's a bold-faced lie. 16:31:36

4 MS. BONJEAN: Okay. Thank you. That's it. 16:31:39

5 THE VIDEOGRAPHER: We are going off the 16:31:45
6 record. The time is 4:31 p.m. 16:31:47

7 (Off the record at 4:31 p.m.)
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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2
3 I, Paula M. Quetsch, Certified Shorthand
4 Reporter No. 084-003733, CSR, RPR, and a Notary
5 Public in and for the County of Kane, State of
6 Illinois, the officer before whom the foregoing
7 deposition was taken, do hereby certify that the
8 foregoing transcript is a true and correct record
9 of the testimony given; that said testimony was
10 taken by me stenographically and thereafter reduced
11 to typewriting under my direction; that reading and
12 signing was requested; and that I am neither
13 counsel for, related to, nor employed by any of
14 the parties to this case and have no interest,
15 financial or otherwise, in its outcome.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my notarial seal this 26th day of
18 November, 2018.

19
20 My commission expires: October 16, 2021

21 
22 _____

23 Notary Public in and for the
24 State of Illinois

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